The Journal OF THE House of Representatives

Number 26 **Thursday, May 4, 2006**

The House was called to order by the Speaker at 10:00 a.m.

Prayer

The following prayer was offered by Pastor Calvin McFadden of Community of Faith Church of Tallahassee, upon invitation of Rep. Holloway:

Dear God, the giver of life and love, we come to You this morning thanking You for this day that You have made. We ask, O God, that You would teach us to see every question before us in the light of our faith. Grant us insight to recognize the needs of others, grant us sincerity to persistently seek the things that endure, refusing those which perish and, gracious God, grant us guidance that we may see the truth and follow Your light faithfully. Look graciously upon our land and God, where it is in pride, subdue it; where it is in need, supply it; where it is in error, rectify it; where it is in default, restore it; and where it holds to that which is just and compassionate, support it.

Lord, we pray that our leaders will be led by Your wisdom and may they search Your will and see it clearly. If we've turned from Your ways, reverse our ways and help us to repent. For You said that You would raise up leaders who would lead us and, Father, we pray for every leader that represents this great state of Florida. We pray for peace, purity, safety, strength, and wisdom. God, You said that if we ask, we shall receive; if we knock, the door would be opened; and if we would just seek, we would find. And we know that You are indeed, a prayer-answering God. Now, have Your way like only You can. Father, in respect to other faiths and religions, we seal this prayer in the name of Jesus Christ. Amen.

The following members were recorded present:

Session Vote Sequence: 1167

Speaker Bense in the Chair.

Adams	Bogdanoff	Dean	Goodlette
Allen	Bowen	Detert	Gottlieb
Altman	Brandenburg	Domino	Grant
Ambler	Brown	Evers	Greenstein
Anderson	Brummer	Farkas	Grimsley
Antone	Bucher	Fields	Harrell
Arza	Bullard	Flores	Hasner
Ausley	Cannon	Galvano	Hays
Barreiro	Carroll	Gannon	Henriquez
Baxley	Clarke	Garcia	Holloway
Bean	Coley	Gardiner	Homan
Bendross-Mindingall	Cretul	Gelber	Hukill
Bense	Culp	Gibson, A.	Jennings
Benson	Cusack	Gibson, H.	Johnson
Berfield	Davis, D.	Glorioso	Jordan
Bilirakis	Davis, M.	Goldstein	Joyner
Kottkamp	Mealor	Rice	Slosberg
Kravitz	Murzin	Richardson	Smith
Kreegel	Needelman	Rivera	Sobel
Kyle	Negron	Robaina	Sorensen
Legg	Patterson	Roberson	Stansel
Littlefield	Peterman	Ross	Stargel
Llorente	Pickens	Rubio	Traviesa
Lopez-Cantera	Planas	Russell	Troutman
Machek	Poppell	Ryan	Waters
Mahon	Porth	Sands	Williams
Mayfield	Proctor	Sansom	Zapata
McInvale	Quinones	Seiler	
Meadows	Reagan	Simmons	

(A list of excused members appears at the end of the *Journal.*)

A quorum was present.

Pledge

The members, led by the following, pledged allegiance to the Flag: Emily Schweitzer of Boynton Beach at the invitation of Rep. Gannon; Spencer Shweky of Cooper City at the invitation of Rep. Sands; Ben Silbernagel of Ocoee at the invitation of Rep. Cannon; Meritt Simmons of Maitland at the invitation of the Speaker; and Kaylyn Antone of Orlando at the invitation of her father, Rep. Antone.

House Physician

The Speaker introduced Dr. Leon "Skip" Beeler of Kennedy Space Center, who served in the Clinic today upon invitation of Rep. Allen.

Correction of the *Journal*

The *Journal* of May 3 was corrected and approved as follows: On page 1142, column 1, lines 22-23, delete all of said lines and insert in lieu thereof:

HB 7117—A bill to be entitled An act relating to sexual predators and offenders; amending s. 322.141, F.S.; requiring distinctive markings for driver's licenses and identification cards issued to persons who are designated as sexual predators or subject to registration as sexual offenders; providing procedures for offenders to obtain such licenses or identification cards; providing for initial issuance; providing for future repeal of a specified provision; amending s. 322.212, F.S.; prohibiting the alteration of sexual predator or sexual offender markings on driver's licenses or identification cards; providing criminal penalties; amending s. 775.21, F.S.; requiring sexual predators to obtain a distinctive driver's license or identification card; amending s. 943.0435, F.S.; requiring sexual offenders to obtain a distinctive driver's license or identification card; amending s. 944.607, F.S.; requiring

specified offenders who are under the supervision of the Department of Corrections but are not incarcerated to obtain a distinctive driver's license or identification card; amending ss. 1002.33 and 1003.63, F.S.; revising cross-references; amending s. 1012.32, F.S.; revising provisions relating to background screening of school district personnel; revising provisions relating to fingerprints; providing procedures for periodic rescreening of certain personnel; amending s. 1012.465, F.S.; revising provisions relating to background screenings of certain noninstructional school district employees and other specified individuals; revising provisions relating to periodic rescreening of certain persons; creating s. 1012.4561, F.S.; providing definitions; prohibiting contract workers who are designated as sexual predators, subject to registration as a sexual offenders, or who appear on the National Sex Offender Public Registry from being present on school grounds; providing criminal penalties; requiring contract workers working on school grounds to be subject to a check of Florida driver's licenses or identification cards for the purposes of ascertaining their sexual offender and sexual predator status and checked against the National Sex Offender Public Registry; providing duties for certain contract workers; providing penalties; requiring certain individuals to report certain offenses; providing penalties; providing exceptions; providing that no provision of the section shall give rise to private civil liability or create a private cause of action for monetary damages; providing rulemaking authority to school boards; amending s. 1012.56, F.S.; revising provisions relating to background screening for educator certification; revising provisions relating to periodic rescreening of such persons; providing an appropriation; providing effective dates.

—was read the third time by title.

Further consideration of HB 7117 was temporarily postponed and placed on Unfinished Business.

And on page 1156, column 2, line 10 from the bottom, delete all of said line and insert in lieu thereof: So the bill passed, as amended, and was immediately certified to the Senate.

Motions Relating to Council and Committee References

On motion by Rep. Goodlette, by the required two-thirds vote, HB 215 was withdrawn from the Justice Council and placed on the Calendar of the House.

Messages from the Senate

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 155, with amendments, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 155—A bill to be entitled An act relating to vehicle crashes; creating the "Justin McWilliams 'Justice For Justin' Act"; amending s. 316.027, F.S.; requiring the driver of a vehicle involved in a crash occurring on public or private property that results in injury of a person to immediately stop the vehicle and remain at the scene; providing that failure to stop the vehicle and remain at the scene by the driver of a vehicle involved in a crash occurring on public or private property that results in the death of a person is a first degree felony; providing penalties; amending s. 921.0022, F.S.; revising felony classification in the Criminal Punishment Code offense severity ranking chart for specified violations; providing an effective date.

(Amendment Bar Code: 510980)

Senate Amendment 1 (with title amendment)—On page 1, line 20, through

page 2, line 40, delete those lines

and insert:

Section 2. Subsection (1) of section 316.027, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

316.027 Crash involving death or personal injuries.--

(1)(a) The driver of any vehicle involved in a crash occurring on public or private property that results ~~resulting~~ in injury of any person must immediately stop the vehicle at the scene of the crash, or as close thereto as possible, and must remain at the scene of the crash until he or she has fulfilled the requirements of s. 316.062. Any person who willfully violates this paragraph commits ~~is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) The driver of any vehicle involved in a crash occurring on public or private property that results ~~resulting~~ in the death of any person must immediately stop the vehicle at the scene of the crash, or as close thereto as possible, and must remain at the scene of the crash until he or she has fulfilled the requirements of s. 316.062. Any person who willfully violates this paragraph commits ~~is guilty of~~ a felony of the first ~~second~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) This section does not apply to crashes occurring during a motorsports event, as defined in s. 549.10(1), or at a closed-course motorsport facility, as defined in s. 549.09(1).

======== T I T L E A M E N D M E N T ========

And the title is amended as follows

On page 1, line 14, after the semicolon,

insert:

providing an exception for motorsports events;

(Amendment Bar Code: 542572)

Senate Amendment 2 —Lines 18-19, delete those lines

and insert:

Section 1. This act may be cited as the "Justin McWilliams Act".

On motion by Rep. Ross, the House concurred in Senate Amendments 1 and 2.

The question recurred on the passage of HB 155. The vote was:

Session Vote Sequence: 1168

Speaker Bense in the Chair.

Yeas—115

Adams	Clarke	Greenstein	Mealor
Allen	Coley	Grimsley	Murzin
Altman	Cretul	Harrell	Needelman
Ambler	Culp	Hasner	Negron
Anderson	Cusack	Hays	Patterson
Antone	Davis, D.	Henriquez	Peterman
Arza	Davis, M.	Holloway	Pickens
Ausley	Dean	Homan	Planas
Barreiro	Detert	Hukill	Poppell
Baxley	Domino	Jennings	Porth
Bean	Evers	Johnson	Proctor
Bendross-Mindingall	Farkas	Jordan	Quinones
Bense	Fields	Joyner	Reagan
Benson	Flores	Kottkamp	Rice
Berfield	Galvano	Kravitz	Richardson
Bilirakis	Gannon	Kreegel	Rivera
Bogdanoff	Garcia	Kyle	Robaina
Bowen	Gardiner	Legg	Roberson
Brandenburg	Gelber	Littlefield	Ross
Brown	Gibson, A.	Llorente	Rubio
Brummer	Gibson, H.	Lopez-Cantera	Russell
Brutus	Glorioso	Machek	Ryan
Bucher	Goldstein	Mahon	Sands
Bullard	Goodlette	Mayfield	Sansom
Cannon	Gottlieb	McInvale	Seiler
Carroll	Grant	Meadows	Simmons

Slosberg	Sorensen	Traviesa	Williams
Smith	Stansel	Troutman	Zapata
Sobel	Stargel	Waters	

Nays—None

Votes after roll call:
Yeas—Attkisson

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 281, with amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 281—A bill to be entitled An act relating to specialty license plates; amending s. 320.08056, F.S.; revising the annual use fee for the Florida Sheriffs Youth Ranches license plate; providing annual use fees for certain plates; amending s. 320.08058, F.S.; creating the A State of Vision license plate and the Future Farmers of America license plate; providing for the distribution of annual use fees received from the sale of such plates; providing an effective date.

(Amendment Bar Code: 675102)

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause

and insert:
Section 1. Paragraph (eee) is added to subsection (4) of section 320.08056, Florida Statutes, to read:
320.08056 Specialty license plates.--
(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:
(eee) A State of Vision license plate, $25.
Section 2. Subsection (57) is added to section 320.08058, Florida Statutes, to read:
320.08058 Specialty license plates.--
(57) A STATE OF VISION LICENSE PLATES.--
(a) Notwithstanding the provisions of s. 320.08053, the department shall develop an A State of Vision license plate as provided in this section. A State of Vision license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "A State of Vision" must appear at the bottom of the plate.
(b) The license plate annual use fees shall be distributed quarterly to the Florida Association of Agencies Serving the Blind, Inc., to fund direct-support services to blind and visually impaired people.
(c) The Florida Association of Agencies Serving the Blind, Inc., shall retain all revenue from the annual use fees until all startup costs for developing and establishing the plates have been recovered. Thereafter, up to 5 percent of the annual use fee revenue shall be used for administrative costs and up to 20 percent shall be used for promotion and marketing of the specialty license plate. All remaining annual use fee revenue shall be used by the Florida Association of Agencies Serving the Blind, Inc., to fund its activities, programs, and projects within the state through its local nonprofit organizations' direct-support services to blind and visually impaired people.
Section 3. This act shall take effect July 1, 2006.

======== T I T L E A M E N D M E N T ========
And the title is amended as follows:
Delete everything before the enacting clause

and insert:
A bill to be entitled
An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; creating the A State of Vision license plate and establishing its annual use fee; providing for the distribution of annual use fees received from the sale of such plates; providing an effective date.

On motion by Rep. Baxley, the House concurred in Senate Amendment 1.

The question recurred on the passage of HB 281. The vote was:

Session Vote Sequence: 1169

Speaker Bense in the Chair.

Yeas—114

Adams	Cusack	Homan	Proctor
Allen	Davis, D.	Hukill	Quinones
Altman	Davis, M.	Jennings	Reagan
Ambler	Dean	Johnson	Rice
Anderson	Detert	Jordan	Richardson
Antone	Domino	Joyner	Rivera
Arza	Evers	Kottkamp	Robaina
Ausley	Farkas	Kravitz	Roberson
Barreiro	Fields	Kreegel	Ross
Baxley	Flores	Kyle	Rubio
Bean	Galvano	Legg	Russell
Bendross-Mindingall	Gannon	Littlefield	Ryan
Bense	Garcia	Llorente	Sands
Benson	Gardiner	Lopez-Cantera	Sansom
Berfield	Gelber	Machek	Seiler
Bilirakis	Gibson, A.	Mahon	Simmons
Bogdanoff	Gibson, H.	Mayfield	Slosberg
Bowen	Glorioso	McInvale	Smith
Brandenburg	Goldstein	Meadows	Sobel
Brown	Goodlette	Mealor	Sorensen
Brummer	Gottlieb	Murzin	Stansel
Brutus	Grant	Needelman	Stargel
Bullard	Greenstein	Negron	Traviesa
Cannon	Grimsley	Patterson	Troutman
Carroll	Harrell	Peterman	Waters
Clarke	Hasner	Pickens	Williams
Coley	Hays	Planas	Zapata
Cretul	Henriquez	Poppell	
Culp	Holloway	Porth	

Nays—1

Bucher

Votes after roll call:
Yeas—Attkisson

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 293, with amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 293—A bill to be entitled An act relating to fiscally constrained counties; amending s. 212.20, F.S.; providing for a distribution of tax revenue to fiscally constrained counties; amending s. 218.65, F.S.; providing for a transitional emergency distribution from the Local Government Half-cent Sales Tax Clearing Trust Fund to certain fiscally constrained counties; revising criteria for receiving certain funds from the Local Government Half-cent Sales Tax Clearing Trust Fund; creating s. 218.67, F.S.; providing eligibility criteria to qualify as a fiscally constrained county; providing for the distribution of additional funds to certain fiscally constrained counties; providing for a phaseout period; providing for the use of funds; amending s. 288.1169, F.S.; correcting a cross-reference; amending s. 985.2155, F.S.; revising the definition of the term "fiscally constrained county" applicable to shared

county and state responsibility for juvenile detention; providing an effective date.

(Amendment Bar Code: 890400)

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause

and insert:

Section 1. Subsection (2) of section 202.18, Florida Statutes, is amended to read:

202.18 Allocation and disposition of tax proceeds.--The proceeds of the communications services taxes remitted under this chapter shall be treated as follows:

(2) The proceeds of the taxes remitted under s. 202.12(1)(b) shall be divided as follows:

(a) The portion of such proceeds which constitutes gross receipts taxes, imposed at the rate prescribed in chapter 203, shall be deposited as provided by law and in accordance with s. 9, Art. XII of the State Constitution.

(b) Sixty-three percent of the remainder shall be allocated to the state and distributed pursuant to s. 212.20(6), except that the proceeds allocated pursuant to s. 212.20(6)(d)3. shall be prorated to the participating counties in the same proportion as that month's collection of the taxes and fees imposed pursuant to chapter 212 and paragraph (1)(b).

(c)1. During each calendar year, the remaining portion of such proceeds shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund. Seventy percent of such proceeds ~~and~~ shall be allocated in the same proportion as the allocation of total receipts of the half-cent sales tax under s. 218.61 and the emergency distribution under s. 218.65 in the prior state fiscal year. Thirty percent of such proceeds shall be distributed pursuant to s. 218.67.

2. The proportion of the proceeds allocated based on the emergency distribution under s. 218.65 shall be distributed pursuant to s. 218.65.

3. In each calendar year, the proportion of the proceeds allocated based on the half-cent sales tax under s. 218.61 shall be allocated to each county in the same proportion as the county's percentage of total sales tax allocation for the prior state fiscal year and distributed pursuant to s. 218.62.

4. The department shall distribute the appropriate amount to each municipality and county each month at the same time that local communications services taxes are distributed pursuant to subsection (3).

Section 2. Section 218.65, Florida Statutes, is amended to read:

218.65 Emergency distribution.--

(1) Each county government which meets the provisions of subsection (2) or subsection (8)~~(7)~~ and which participates in the local government half-cent sales tax shall receive a distribution from the Local Government Half-cent Sales Tax Clearing Trust Fund in addition to its regular monthly distribution as provided in this part.

(2) The Legislature hereby finds and declares that a fiscal emergency exists in any county which meets the following criteria ~~specified in paragraph (a), if applicable, and the criterion specified in paragraph (b)~~:

(a) ~~If~~ The county has a population of 65,000 or less; and ~~above:~~

~~1. In any year from 1977 to 1981, inclusive, the value of net new construction and additions placed on the tax roll for that year was less than 2 percent of the taxable value for school purposes on the roll for that year, exclusive of such net value; or~~

~~2. The percentage increase in county taxable value from 1979 to 1980, 1980 to 1981, or 1981 to 1982 was less than 3 percent.~~

(b) The moneys distributed to the county government pursuant to s. 218.62 for the prior fiscal year were less than the current per capita limitation, based on the population of that county.

(3) Qualification under this section shall be determined annually at the start of the fiscal year. Emergency and supplemental moneys shall be distributed monthly with other moneys provided pursuant to this part.

(4) For the fiscal year beginning in 1988, the per capita limitation shall be $24.60. Thereafter, commencing with the fiscal year which begins in 1989, this limitation shall be adjusted annually for inflation. The annual adjustment to the per capita limitation for each fiscal period shall be the percentage change in the state and local government price deflator for purchases of goods and services, all items, 1983 equals 100, or successor reports for the preceding calendar year as initially reported by the United States Department of Commerce, Bureau of Economic Analysis, as certified by the Florida Consensus Estimating Conference.

(5) At the beginning of each fiscal year, the Department of Revenue shall calculate a base allocation for each eligible county equal to the difference between the current per capita limitation times the county's population, minus prior year ordinary distributions to the county pursuant to ss. 212.20(6)(d)3., 218.61, and 218.62. If moneys deposited into the Local Government Half-cent Sales Tax Clearing Trust Fund pursuant to s. 212.20(6)(d)4., excluding moneys appropriated for supplemental distributions pursuant to subsection (8)~~(7)~~, for the current year are less than or equal to the sum of the base allocations, each eligible county shall receive a share of the appropriated amount proportional to its base allocation. If the deposited amount exceeds the sum of the base allocations, each county shall receive its base allocation, and the excess appropriated amount, less any amounts distributed under subsection (6), shall be distributed equally on a per capita basis among the eligible counties.

(6) If moneys deposited in the Local Government Half-cent Sales Tax Clearing Trust Fund pursuant to s. 212.20(6)(d)4. exceed the amount necessary to provide the base allocation to each eligible county, the moneys in the trust fund may be used to provide a transitional distribution, as specified in this subsection, to certain counties whose population has increased. The transitional distribution shall be made available to each county that qualified for a distribution under subsection (2) in the prior year but does not, because of the requirements of paragraph (2)(a), qualify for a distribution in the current year. Beginning on July 1 of the year following the year in which the county no longer qualifies for a distribution under subsection (2), the county shall receive two-thirds of the amount received in the prior year, and beginning July 1 of the second year following the year in which the county no longer qualifies for a distribution under subsection (2), the county shall receive one-third of the amount it received in the last year it qualified for the distribution under subsection (2). If insufficient moneys are available in the Local Government Half-cent Sales Tax Clearing Trust Fund to fully provide such a transitional distribution to each county that meets the eligibility criteria in this section, each eligible county shall receive a share of the available moneys proportional to the amount it would have received had moneys been sufficient to fully provide such a transitional distribution to each eligible county.

(7)~~(6)~~ There is hereby annually appropriated from the Local Government Half-cent Sales Tax Clearing Trust Fund the distribution provided in s. 212.20(6)(d)4. to be used for emergency and supplemental distributions pursuant to this section.

(8)~~(7)~~(a) Any county the inmate population of which in any year is greater than 7 percent of the total population of the county is eligible for a supplemental distribution for that year from funds expressly appropriated therefor. At the beginning of each fiscal year, the Department of Revenue shall calculate a supplemental allocation for each eligible county equal to the current per capita limitation pursuant to subsection (4) times the inmate population of the county. If moneys appropriated for distribution pursuant to this section for the current year are less than the sum of supplemental allocations, each eligible county shall receive a share of the appropriated amount proportional to its supplemental allocation. Otherwise, each shall receive an amount equal to its supplemental allocation.

(b) For the purposes of this subsection, the term:

1. "Inmate population" means the latest official state estimate of the number of inmates and patients residing in institutions operated by the Federal Government, the Department of Corrections, or the Department of Children and Family Services.

2. "Total population" includes inmate population and noninmate population.

Section 3. Section 218.67, Florida Statutes, is created to read:

218.67 Distribution for fiscally constrained counties.--

(1) Each county that is entirely within a rural area of critical economic concern as designated by the Governor pursuant to s. 288.0656 or each county for which the value of a mill will raise no more than $5 million in

revenue, based on the taxable value certified pursuant to s. 1011.62(4)(a)1.a., from the previous July 1, shall be considered a fiscally constrained county.

(2) Each fiscally constrained county government that participates in the local government half-cent sales tax shall be eligible to receive an additional distribution from the Local Government Half-cent Sales Tax Clearing Trust Fund, as provided in s. 202.18(2)(c)1., in addition to its regular monthly distribution provided under this part and any emergency or supplemental distribution under s. 218.65.

(3) The amount to be distributed to each fiscally constrained county shall be determined by the Department of Revenue at the beginning of the fiscal year, using the prior fiscal year's July 1 taxable value certified pursuant to s. 1011.62(4)(a)1.a., tax data, population as defined in s. 218.21, and millage rate levied for the prior fiscal year. The amount distributed shall be allocated based upon the following factors:

(a) The relative revenue-raising-capacity factor shall be the ability of the eligible county to generate ad valorem revenues from 1 mill of taxation on a per capita basis. A county that raises no more than $25 per capita from 1 mill shall be assigned a value of 1; a county that raises more than $25 but no more than $30 per capita from 1 mill shall be assigned a value of 0.75; and a county that raises more than $30 but no more than $50 per capita from 1 mill shall be assigned a value of 0.5. No value shall be assigned to counties that raise more than $50 per capita from 1 mill of ad valorem taxation.

(b) The local-effort factor shall be a measure of the relative level of local effort of the eligible county as indicated by the millage rate levied for the prior fiscal year. The local-effort factor shall be the most recently adopted countywide operating millage rate for each eligible county multiplied by 0.1.

(c) Each eligible county's proportional allocation of the total amount available to be distributed to all of the eligible counties shall be in the same proportion as the sum of the county's two factors is to the sum of the two factors for all eligible counties. The counties that are eligible to receive an allocation under this subsection and the amount available to be distributed to such counties shall not include counties participating in the phaseout period under subsection (4) or the amounts they remain eligible to receive during the phaseout.

(4) For those counties that no longer qualify under the requirements of subsection (1) after the effective date of this act, there shall be a 2-year phaseout period. Beginning on July 1 of the year following the year in which the value of a mill for that county exceeds $5 million in revenue, the county shall receive two-thirds of the amount received in the prior year, and beginning on July 1 of the second year following the year in which the value of a mill for that county exceeds $5 million in revenue, the county shall receive one-third of the amount received in the last year that the county qualified as a fiscally constrained county. Following the 2-year phaseout period, the county shall no longer be eligible to receive any distributions under this section unless the county can be considered a fiscally constrained county as provided in subsection (1).

(5) The revenues received under this section may be used by a county for any public purpose, except that such revenues may not be used to pay debt service on bonds, notes, certificates of participation, or any other forms of indebtedness.

Section 4. Paragraph (b) of subsection (2) of section 985.2155, Florida Statutes, is amended to read:

985.2155 Shared county and state responsibility for juvenile detention.--

(2) As used in this section, the term:

(b) "Fiscally constrained county" means a county that is entirely within ~~designated as~~ a rural area of critical economic concern as designated by the Governor pursuant to ~~under~~ s. 288.0656 or each county for which the value of a mill will raise ~~in the county is~~ no more than $5 ~~$3~~ million in revenue, based on the taxable value certified pursuant to s. 1011.62(4)(a)1.a., from the previous July 1 ~~property valuations and tax data annually published by the Department of Revenue under s. 195.052~~.

Section 5. This act shall take effect July 1, 2006.

======== T I T L E A M E N D M E N T ========

Delete everything before the enacting clause

and insert:

A bill to be entitled

An act relating to fiscally constrained counties; amending s. 202.18, F.S.; providing for a distribution of communications services taxes to fiscally constrained counties; amending s. 218.65, F.S.; providing for a transitional emergency distribution from the Local Government Half-cent Sales Tax Clearing Trust Fund to certain fiscally constrained counties; revising criteria for receiving certain funds from the Local Government Half-cent Sales Tax Clearing Trust Fund; creating s. 218.67, F.S.; providing eligibility criteria to qualify as a fiscally constrained county; providing for the distribution of additional funds to certain fiscally constrained counties; providing for a phaseout period; providing for the use of funds; amending s. 985.2155, F.S.; revising the definition of the term "fiscally constrained county" applicable to shared county and state responsibility for juvenile detention; providing an effective date.

On motion by Rep. Pickens, the House concurred in Senate Amendment 1.

The question recurred on the passage of HB 293. The vote was:

Session Vote Sequence: 1170

Speaker Bense in the Chair.

Yeas—85

Adams	Davis, D.	Jordan	Proctor
Allen	Davis, M.	Kottkamp	Quinones
Altman	Dean	Kravitz	Reagan
Antone	Detert	Kreegel	Rice
Arza	Domino	Kyle	Richardson
Attkisson	Evers	Legg	Rivera
Ausley	Fields	Littlefield	Ross
Barreiro	Flores	Llorente	Rubio
Baxley	Galvano	Lopez-Cantera	Sansom
Bean	Gardiner	Machek	Simmons
Bense	Gibson, A.	Mahon	Smith
Berfield	Gibson, H.	Mayfield	Sorensen
Bogdanoff	Glorioso	McInvale	Stansel
Bowen	Goodlette	Mealor	Stargel
Brown	Grant	Murzin	Traviesa
Bullard	Grimsley	Needelman	Troutman
Cannon	Harrell	Negron	Waters
Carroll	Hasner	Patterson	Williams
Clarke	Hays	Peterman	Zapata
Coley	Holloway	Pickens	
Cretul	Hukill	Planas	
Culp	Jennings	Poppell	

Nays—27

Ambler	Cusack	Henriquez	Russell
Bendross-Mindingall	Farkas	Homan	Ryan
Benson	Gannon	Johnson	Sands
Bilirakis	Garcia	Joyner	Seiler
Brummer	Gelber	Meadows	Slosberg
Brutus	Gottlieb	Porth	Sobel
Bucher	Greenstein	Roberson	

Votes after roll call:

Yeas—Goldstein

Nays—Robaina

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

Recognition of House Staff

The Speaker invited the House Council and Committee staff to come to the Chamber and be recognized.

After remarks of appreciation by the Speaker, the House Council and Committee staff received a standing ovation from the members of the House.

Messages from the Senate

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 567, with amendments, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 567—A bill to be entitled An act relating to notaries public; amending s. 117.05, F.S.; requiring notaries public to provide services without charge to certain persons; creating s. 117.071, F.S.; requiring notaries public to maintain a journal and to record notarial acts; providing an exception; providing requirements for journal entries; requiring retention of the journal for a specified period after the last entry and requiring certain notice upon failure to do so; providing that failure to comply with such requirements may constitute grounds for suspension or nonrenewal of the notary public commission by the Executive Office of the Governor; amending s. 117.10, F.S.; providing an exemption for certain law enforcement officers; providing an effective date.

(Amendment Bar Code: 065054)

Senate Amendment 2 (with title amendment)—On page 2, line 46, after the period

insert: A notary who is employed by a licensed title insurance agency in this state or by a title insurance underwriter authorized to conduct business in this state is exempt from this section.

======== T I T L E A M E N D M E N T ========
And the title is amended as follows:
On page 1, line 6, delete the phrase, "an exception"

and insert:
exceptions

(Amendment Bar Code: 403520)

Senate Amendment 4 —On line 37, after the period

insert: This subparagraph does not apply unless the notary public who performs the notarial act is an employee of a state agency and is performing notarial acts as part of the assigned duties of that employee.

On motion by Rep. Kyle, the House concurred in Senate Amendments 2 and 4.

The question recurred on the passage of HB 567. The vote was:

Session Vote Sequence: 1171

Speaker Bense in the Chair.

Yeas—115

Adams	Berfield	Cusack	Gibson, A.
Allen	Bilirakis	Davis, D.	Gibson, H.
Altman	Bogdanoff	Davis, M.	Glorioso
Ambler	Bowen	Dean	Goldstein
Anderson	Brown	Detert	Goodlette
Antone	Brummer	Domino	Gottlieb
Arza	Brutus	Evers	Grant
Attkisson	Bucher	Farkas	Greenstein
Ausley	Bullard	Fields	Grimsley
Barreiro	Cannon	Flores	Harrell
Baxley	Carroll	Galvano	Hasner
Bean	Clarke	Gannon	Hays
Bendross-Mindingall	Coley	Garcia	Henriquez
Bense	Cretul	Gardiner	Holloway
Benson	Culp	Gelber	Homan
Hukill	Mahon	Proctor	Seiler
Jennings	Mayfield	Quinones	Simmons
Johnson	McInvale	Reagan	Slosberg
Jordan	Meadows	Rice	Smith
Joyner	Mealor	Richardson	Sobel
Kottkamp	Murzin	Rivera	Sorensen
Kravitz	Needelman	Robaina	Stansel
Kreegel	Negron	Roberson	Stargel
Kyle	Patterson	Ross	Traviesa
Legg	Peterman	Rubio	Troutman
Littlefield	Pickens	Russell	Waters
Llorente	Planas	Ryan	Williams
Lopez-Cantera	Poppell	Sands	Zapata
Machek	Porth	Sansom	

Nays—None

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1027, with amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 1027—A bill to be entitled An act relating to biomedical research; providing legislative intent; amending s. 20.435, F.S.; authorizing the use of funds in the Biomedical Research Trust Fund for the purposes of the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program; amending s. 215.5601, F.S.; providing for deposit of certain proceeds of the Lawton Chiles Endowment Fund into the Biomedical Research Trust Fund for purposes of the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program; amending s. 215.5602, F.S.; revising the membership and the method for appointing members to the Biomedical Research Advisory Council; requiring the council to award grants for cancer research through the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program; providing for the repeal of the James and Esther King Biomedical Research Program; requiring the Legislature to review the program prior to the repeal; providing for transition to new appointments; amending s. 381.855, F.S.; revising the membership of the advisory council for the Florida Center for Universal Research to Eradicate Disease; providing for terms of office and the filling of vacancies; providing for officers, meetings, and procedures; providing for transition to new appointments; amending s. 381.921, F.S.; revising a goal of the Florida Cancer Council; creating s. 381.922, F.S.; establishing the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program within the Department of Health; providing the purpose of the program; requiring the program to provide grants for cancer research; providing procedures for awarding cancer research grants; providing for peer review panels; providing requirements with respect to ethical conduct and conflicts of interest; providing for public records and meetings; requiring an annual report; providing for the repeal of William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program; requiring the Legislature to review the program prior to the repeal; amending s. 381.98, F.S., revising the purpose, duties, and authority of the Florida Public Health Foundation, Inc.; revising the membership of the board of directors of the corporation; amending s. 430.41, F.S., providing for the Governor to certify certain funds for a certain number of years; amending s. 561.121, F.S.; redistributing certain funds collected from taxes on alcoholic beverages; amending s. 1004.445, F.S.; requiring certain information in the annual report; requiring an annual operating budget; providing procedures for awarding of Alzheimer's disease research grants; providing for peer review panels; providing requirements with respect to ethical conduct and conflicts of interest; providing for public records and meetings; providing for the repeal of Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute; requiring the Legislature to

review the center and institute prior to the repeal; providing appropriations; providing effective dates.

(Amendment Bar Code: 935254)

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause

and insert:

Section 1. It is the intent of the Legislature to provide funding to support grants for biomedical research in this state with the anticipation that sustained funding for biomedical research over a period of years will lead to an alleviation of human suffering from diseases such as cancer and Alzheimer's disease. It is the intent of the Legislature to dramatically reduce this state's inordinately high cancer burden, reducing both cancer incidence and mortality, while advancing scientific endeavors in this state, making this state a world-class leader in cancer research and treatment. Further, it is the intent of the Legislature to address the debilitating and deadly effects of Alzheimer's disease by supporting research in Alzheimer's disease statewide through the awarding of research grants on a competitive basis. Additionally, it is the intent of the Legislature to stimulate dramatic economic development, particularly in the biotechnology industry, through investment in this state's biomedical research.

Section 2. Paragraph (h) of subsection (1) of section 20.435, Florida Statutes, is amended to read:

20.435 Department of Health; trust funds.--

(1) The following trust funds are hereby created, to be administered by the Department of Health:

(h) Biomedical Research Trust Fund.

1. Funds to be credited to the trust fund shall consist of funds deposited pursuant to s. 215.5601 and any other funds appropriated by the Legislature. Funds shall be used for the purposes of the James and Esther King Biomedical Research Program and the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program as specified in ss. 215.5602, ~~and~~ 288.955, and 381.922. The trust fund is exempt from the service charges imposed by s. 215.20.

2. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund at the end of the year and shall be available for carrying out the purposes of the trust fund. The department may invest these funds independently through the Chief Financial Officer or may negotiate a trust agreement with the State Board of Administration for the investment management of any balance in the trust fund.

3. Notwithstanding s. 216.301 and pursuant to s. 216.351, any balance of any appropriation from the Biomedical Research Trust Fund which is not disbursed but which is obligated pursuant to contract or committed to be expended may be certified by the Governor for up to 3 years following the effective date of the original appropriation.

4. The trust fund shall, unless terminated sooner, be terminated on July 1, 2008.

Section 3. Subsection (3) of section 215.5602, Florida Statutes, is amended, and subsections (11) through (14) are added to that section, to read:

215.5602 James and Esther King Biomedical Research Program.--

(3) There is created within the Department of Health the Biomedical Research Advisory Council.

(a) The council shall consist of 11 ~~nine~~ members, including: the chief executive officer of the Florida Division of the American Cancer Society, or a designee; the chief executive officer of the Florida/Puerto Rico Affiliate of the American Heart Association, or a designee; and the chief executive officer of the American Lung Association of Florida, or a designee. The ~~Governor shall appoint the~~ remaining eight ~~six~~ members of the council shall be appointed~~,~~ as follows:

1. The Governor shall appoint four members, two members with expertise in the field of biomedical research, one member from a research university in the state, and one member representing the general population of the state.

2. The President of the Senate shall appoint two members, one member with expertise in the field of behavioral or social research and one representative from a cancer program approved by the American College of Surgeons.

3. The Speaker of the House of Representatives shall appoint two members, one member from a professional medical organization and one representative from a cancer program approved by the American College of Surgeons.

~~4. One member from a research university in the state.~~

~~5. One member representing the general population of the state.~~

In making these ~~his or her~~ appointments, the Governor, the President of the Senate, and the Speaker of the House of Representatives shall select primarily, but not exclusively, Floridians with biomedical and lay expertise in the general areas of cancer, cardiovascular disease, stroke, and pulmonary disease. The ~~Governor's~~ appointments shall be for a 3-year term and shall reflect the diversity of the state's population. An appointed ~~A council~~ member ~~appointed by the Governor~~ may not serve more than two consecutive terms.

(b) The council shall adopt internal organizational procedures as necessary for its efficient organization.

(c) The department shall provide such staff, information, and other assistance as is reasonably necessary to assist the council in carrying out its responsibilities.

(d) Members of the council shall serve without compensation, but may receive reimbursement as provided in s. 112.061 for travel and other necessary expenses incurred in the performance of their official duties.

(11) The council shall award grants for cancer research through the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program created in s. 381.922.

(12) Beginning in fiscal year 2006-2007, the sum of $6 million is appropriated annually from recurring funds in the General Revenue Fund to the Biomedical Research Trust Fund within the Department of Health for purposes of the James and Esther King Biomedical Research Program pursuant to this section. From these funds up to $250,000 shall be available for the operating costs of the Florida Center for Universal Research to Eradicate Disease.

(13) By June 1, 2009, the Division of Statutory Revision of the Office of Legislative Services shall certify to the President of the Senate and the Speaker of the House of Representatives the language and statutory citation of this section, which is scheduled to expire January 1, 2011.

(14) The Legislature shall review the performance, the outcomes, and the financial management of the James and Esther King Biomedical Research Program during the 2010 Regular Session of the Legislature and shall determine the most appropriate funding source and means of funding the program based on its review.

(15) This section expires January 1, 2011, unless reviewed and reenacted by the Legislature before that date.

Section 4. All appointments to the Biomedical Research Advisory Council for the James and Esther King Biomedical Research Program that were not made in accordance with s. 215.5602, Florida Statutes, as amended by this act, shall expire June 30, 2006, but such appointees may continue to serve until their successors are appointed. This section shall take effect upon this act becoming a law.

Section 5. Subsection (5) of section 381.855, Florida Statutes, is amended, and subsections (6) and (7) are added to that section, to read:

381.855 Florida Center for Universal Research to Eradicate Disease.--

(5) There is established within the center an advisory council that shall meet at least annually.

(a) The council shall consist of one representative from a Florida not-for-profit institution engaged in basic and clinical biomedical research and education which receives more than $10 million in annual grant funding from the National Institutes of Health, to be appointed by the Secretary of Health from a different institution each term, and ~~the members of the board of directors of the Florida Research Consortium and at least~~ one representative from and appointed by each of the following entities:

~~1. The Emerging Technology Commission.~~

1.~~2.~~ Enterprise Florida, Inc.

2.~~3.~~ BioFlorida.

3.~~4.~~ The Biomedical Research Advisory Council.

4.~~5.~~ The Florida Medical Foundation.
5.~~6.~~ Pharmaceutical Research and Manufacturers of America.
~~7. The Florida Tri-Agency Coalition on Smoking OR Health.~~
6.~~8.~~ The Florida Cancer Council.
7.~~9.~~ The American Cancer Society, Florida Division, Inc.
8.~~10.~~ The American Heart Association.
9.~~11.~~ The American Lung Association of Florida.
10.~~12.~~ The American Diabetes Association, South Coastal Region.
11.~~13.~~ The Alzheimer's Association.
12.~~14.~~ The Epilepsy Foundation.
13.~~15.~~ The National Parkinson Foundation.
14.~~16.~~ The Florida Public Health Foundation, Inc.
15.~~17.~~ The Florida Research Consortium ~~Scripps Florida or the entity formed in this state by The Scripps Research Institute~~.

(b) Members of the council shall serve without compensation, and each organization represented shall cover all expenses of its representative.

(6) Members shall be appointed to 4-year terms of office. The members of the advisory council shall annually elect a chair from among the members of the advisory council. Any vacancy on the advisory council shall be filled in the same manner as the original appointment.

(7) The advisory council shall meet at least annually, but may meet as often as it deems necessary to carry out its duties and responsibilities. The advisory council may take official action by a majority vote of the members present at any meeting at which a quorum is present.

Section 6. All appointments to the advisory council for the Florida Center for Universal Research to Eradicate Disease which were not made in accordance with s. 381.855, Florida Statutes, as amended by this act, shall expire June 30, 2006, but such appointees may continue to serve until their successors are appointed. This section shall take effect upon this act becoming a law.

Section 7. Subsection (1) of section 381.921, Florida Statutes, is amended to read:

381.921 Florida Cancer Council mission and duties.--The council, which shall work in concert with the Florida Center for Universal Research to Eradicate Disease to ensure that the goals of the center are advanced, shall endeavor to dramatically improve cancer research and treatment in this state through:

(1) Efforts to significantly expand cancer research capacity in the state by:

(a) Identifying ways to attract new research talent and attendant national grant-producing researchers to ~~Florida-based~~ cancer research facilities in this state;

(b) Implementing a peer-reviewed, competitive process to identify and fund the best proposals to expand cancer research institutes in this state;

(c) Funding through available resources for those proposals that demonstrate the greatest opportunity to attract federal research grants and private financial support;

(d) Encouraging the employment of bioinformatics in order to create a cancer informatics infrastructure that enhances information and resource exchange and integration through researchers working in diverse disciplines, to facilitate the full spectrum of cancer investigations;

(e) Facilitating the technical coordination, business development, and support of intellectual property as it relates to the advancement of cancer research; and

(f) Aiding in other multidisciplinary research-support activities as they inure to the advancement of cancer research.

Section 8. Section 381.922, Florida Statutes, is created to read:

381.922 William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program.--

(1) The William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program, which may be otherwise cited as the "Bankhead-Coley Program," is created within the Department of Health. The purpose of the program shall be to advance progress towards cures for cancer through grants awarded through a peer-reviewed, competitive process.

(2) The program shall provide grants for cancer research to further the search for cures for cancer.

(a) Emphasis shall be given to the goals enumerated in s. 381.921, as those goals support the advancement of such cures.

(b) Preference may be given to grant proposals that foster collaborations among institutions, researchers, and community practitioners, as such proposals support the advancement of cures through basic or applied research, including clinical trials involving cancer patients and related networks.

(3)(a) Applications for funding for cancer research may be submitted by any university or established research institute in the state. All qualified investigators in the state, regardless of institutional affiliation, shall have equal access and opportunity to compete for the research funding. Collaborative proposals, including those that advance the program's goals enumerated in subsection (2), may be given preference. Grants shall be awarded by the Secretary of Health, after consultation with the Biomedical Research Advisory Council, on the basis of scientific merit, as determined by an open, competitive peer review process that ensures objectivity, consistency, and high quality. The following types of applications shall be considered for funding:

1. Investigator-initiated research grants.

2. Institutional research grants.

3. Collaborative research grants, including those that advance the finding of cures through basic or applied research.

(b) In order to ensure that all proposals for research funding are appropriate and are evaluated fairly on the basis of scientific merit, the Secretary of Health, in consultation with the council, shall appoint a peer review panel of independent, scientifically qualified individuals to review the scientific content of each proposal and establish its priority score. The priority scores shall be forwarded to the council and must be considered in determining which proposals shall be recommended for funding.

(c) The council and the peer review panel shall establish and follow rigorous guidelines for ethical conduct and adhere to a strict policy with regard to conflicts of interest. A member of the council or panel may not participate in any discussion or decision with respect to a research proposal by any firm, entity, or agency with which the member is associated as a member of the governing body or as an employee or with which the member has entered into a contractual arrangement. Meetings of the council and the peer review panels are subject to chapter 119, s. 286.011, and s. 24, Art. I of the State Constitution.

(4) By December 15 of each year, the Department of Health shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report indicating progress towards the program's mission and making recommendations that further its purpose.

(5) Beginning in fiscal year 2006-2007, the sum of $9 million is appropriated annually from recurring funds in the General Revenue Fund to the Biomedical Research Trust Fund within the Department of Health for purposes of the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program and shall be distributed pursuant to this section to provide grants to researchers seeking cures for cancer, with emphasis given to the goals enumerated in s. 381.921. From the total funds appropriated, an amount of up to 10 percent may be used for administrative expenses.

(6) By June 1, 2009, the Division of Statutory Revision of the Office of Legislative Services shall certify to the President of the Senate and the Speaker of the House of Representatives the language and statutory citation of this section, which is scheduled to expire January 1, 2011.

(7) The Legislature shall review the performance, the outcomes, and the financial management of the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program during the 2010 Regular Session of the Legislature and shall determine the most appropriate funding source and means of funding the program based on its review.

(8) This section expires January 1, 2011, unless reviewed and reenacted by the Legislature before that date.

Section 9. Subsection (1) of section 381.98, Florida Statutes, is amended, paragraph (v) is added to subsection (6) of that section, present subsection (10) of that section is renumbered as subsection (12), and new subsections (10) and (11) are added to that section, to read:

381.98 The Florida Public Health Foundation, Inc.; establishment; purpose; mission; duties; board of directors.--

(1) The Florida Public Health Foundation, Inc., referred to in this section as "the corporation," is established for the purpose of disseminating

breakthrough findings in biomedical research and promoting health awareness in this state and providing services to the Department of Health.

(6) The affairs of the corporation shall be managed by an executive director appointed by a board of directors consisting of:

(v) A representative of the Florida Association of Health Plans.

(10) The corporation may provide personnel to the Department of Health for the purpose of performing duties and responsibilities outlined in private and public grants received by the Department of Health. These personnel are not state employees and are not entitled to retirement credit and other benefits provided to state employees under chapters 110 and 112. These personnel shall perform services pursuant to an agreement between the corporation and the Department of Health.

(11) The corporation may purchase goods, services, and property for use by the Department of Health. These purchases are not subject to the provisions of chapters 253, 255, and 287, nor to the control or direction of the Department of Environmental Protection or the Department of Management Services.

Section 10. Subsection (3) is added to section 430.41, Florida Statutes, to read:

430.41 Grants and Donations Trust Fund.--

(3) Notwithstanding s. 216.301 and pursuant to s. 216.351, any balance of any general revenue appropriation to the Grants and Donations Trust Fund that is not disbursed but that is obligated pursuant to contract or committed to be expended may be certified by the Governor for up to 3 years following the effective date of the original appropriation.

Section 11. Subsection (1) of section 561.121, Florida Statutes, is amended to read:

561.121 Deposit of revenue.--

(1) All state funds collected pursuant to ss. 563.05, 564.06, and 565.12 shall be paid into the State Treasury and disbursed in the following manner:

(a)~~1.~~ Two percent of monthly collections of the excise taxes on alcoholic beverages established in ss. 563.05, 564.06, and 565.12 shall be deposited into the Alcoholic Beverage and Tobacco Trust Fund to meet the division's appropriation for the state fiscal year.

~~2. Beginning July 1, 2004, there is annually distributed $15 million to the Grants and Donations Trust Fund within the Department of Elderly Affairs, and these funds are annually appropriated to support a contract with the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute at the University of South Florida for the purposes of conducting research, developing and operating integrated data projects, and providing assistance to memory disorder clinics as established in s. 430.502.~~

~~3. Beginning July 1, 2004, there is annually distributed $6 million to the Biomedical Research Trust Fund within the Department of Health, and these funds are annually appropriated to the James and Esther King Biomedical Research Program. From these funds, up to $250,000 shall be available annually for the operating costs of the Florida Center for Universal Research to Eradicate Disease.~~

~~4. Beginning July 1, 2004, there is annually distributed $9 million to be paid by warrant drawn by the Chief Financial Officer upon the State Treasury to Florida State University for the School of Chiropractic Medicine. Notwithstanding the provisions of chapter 216, until the School of Chiropractic Medicine is completely staffed and fully operational, these funds may be used for any purpose by the university.~~

(b) The remainder of the funds collected pursuant to ss. 563.05, 564.06, and 565.12 ~~collection~~ shall be credited to the General Revenue Fund.

Section 12. Subsections (2) and (6) of section 1004.445, Florida Statutes, are amended, present subsections (8), (9), and (10) of that section are renumbered as subsections (9), (10), and (11), respectively, and new subsections (8), (12), (13), (14), and (15) are added to that section, to read:

1004.445 Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute.--

(2)(a) The State Board of Education shall enter into an agreement for the utilization of the facilities on the campus of the University of South Florida to be known as the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute, including all furnishings, equipment, and other chattels used in the operation of those facilities, with a Florida not-for-profit corporation organized solely for the purpose of governing and operating the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute. This not-for-profit corporation, acting as an instrumentality of the state, shall govern and operate the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute in accordance with the terms of the agreement between the State Board of Education and the not-for-profit corporation. The not-for-profit corporation may, with the prior approval of the State Board of Education, create either for-profit or not-for-profit corporate subsidiaries, or both, to fulfill its mission. The not-for-profit corporation and its subsidiaries are authorized to receive, hold, invest, and administer property and any moneys acquired from private, local, state, and federal sources, as well as technical and professional income generated or derived from practice activities of the institute, for the benefit of the institute and the fulfillment of its mission.

(b)~~1.~~ The affairs of the not-for-profit corporation shall be managed by a board of directors who shall serve without compensation. The board of directors shall consist of the President of the University of South Florida and the chair of the State Board of Education, or their designees, five ~~5~~ representatives of the state universities, and nine ~~no fewer than 9 nor more than 14~~ representatives of the public who are neither medical doctors nor state employees. Each director who is a representative of a state university or of the public shall be appointed to serve a term of 3 years. The chair of the board of directors shall be selected by a majority vote of the directors. Each director shall have only one vote.

~~2. The initial board of directors shall consist of the President of the University of South Florida and the chair of the State Board of Education, or their designees; the~~ Of the five university representatives, ~~of whom~~ one shall be appointed by the Governor, two by the President of the Senate, and two by the Speaker of the House of Representatives; and of the nine public representatives, ~~of whom~~ three shall be appointed by the Governor, three by the President of the Senate, and three by the Speaker of the House of Representatives. ~~Upon the expiration of the terms of the initial appointed directors, all directors subject to 3-year terms of office under this paragraph shall be appointed by a majority vote of the directors and the board may be expanded to include additional public representative directors up to the maximum number allowed.~~ Any vacancy in office shall be filled in the same manner as the original appointment ~~for the remainder of the term by majority vote of the directors~~. Any director may be reappointed.

(6) The institute shall be administered by a chief executive officer, who shall be appointed by and serve at the pleasure of the board of directors of the not-for-profit corporation, and who shall exercise the following powers and duties, subject to the approval of the board of directors:

(a) The chief executive officer shall establish programs that fulfill the mission of the institute in research, education, treatment, prevention, and early detection of Alzheimer's disease; however, the chief executive officer may not establish academic programs for which academic credit is awarded and which culminate in the conferring of a degree, without prior approval of the State Board of Education.

(b) The chief executive officer shall have control over the budget and the moneys appropriated or donated to the institute from private, local, state, and federal sources, as well as technical and professional income generated or derived from practice activities of the institute. However, professional income generated by university faculty from practice activities at the institute shall be shared between the institute and the university as determined by the chief executive officer and the appropriate university dean or vice president.

(c) The chief executive officer shall appoint representatives of the institute to carry out the research, patient care, and educational activities of the institute and establish the compensation, benefits, and terms of service of such representatives. Representatives of the institute shall be eligible to hold concurrent appointments at affiliated academic institutions. University faculty shall be eligible to hold concurrent appointments at the institute.

(d) The chief executive officer shall have control over the use and assignment of space and equipment within the facilities.

(e) The chief executive officer shall have the power to create the administrative structure necessary to carry out the mission of the institute.

(f) The chief executive officer shall have a reporting relationship to the Commissioner of Education.

(g) The chief executive officer shall provide a copy of the institute's annual report to the Governor and Cabinet, the President of the Senate, the Speaker of the House of Representatives, and the chair of the State Board of Education.

The annual report shall describe the expenditure of all funds and shall provide information regarding research that has been conducted or funded by the center, as well as the expected and actual results of such research.

(h) By August 1 of each year, the chief executive officer shall develop and submit to the Governor and Cabinet, the President of the Senate, the Speaker of the House of Representatives, and the chair of the State Board of Education an annual operating budget detailing the planned use of state, federal, and private funds for the fiscal year.

(8)(a) Applications for Alzheimer's disease research funding may be submitted from any university or established research institute in the state. All qualified investigators in the state, regardless of institutional affiliation, shall have equal access and opportunity to compete for the research funding. Grants shall be awarded by the board of directors of the not-for-profit corporation on the basis of scientific merit, as determined by an open, competitive peer review process that ensures objectivity, consistency, and high quality. The following types of applications shall be considered for funding:

1. Investigator-initiated research grants.

2. Institutional research grants.

3. Collaborative research grants, including those that advance the finding of cures through basic or applied research.

(b) Preference may be given to grant proposals that foster collaboration among institutions, researchers, and community practitioners because these proposals support the advancement of cures through basic or applied research, including clinical trials involving Alzheimer's patients and related networks.

(c) To ensure that all proposals for research funding are appropriate and are evaluated fairly on the basis of scientific merit, the board of directors of the not-for-profit corporation, in consultation with the council of scientific advisors, shall appoint a peer review panel of independent, scientifically qualified individuals to review the scientific content of each proposal and establish its scientific priority score. The priority scores shall be forwarded to the council and must be considered by the board of directors of the not-for-profit corporation in determining which proposals shall be recommended for funding.

(d) The council of scientific advisors and the peer review panel shall establish and follow rigorous guidelines for ethical conduct and adhere to a strict policy with regard to conflict of interest. All employees, members of the board of directors, and affiliates of the not-for-profit corporation shall follow the same rigorous guidelines for ethical conduct and shall adhere to the same strict policy with regard to conflict of interest. A member of the council or panel may not participate in any discussion or decision with respect to a research proposal by any firm, entity, or agency with which the member is associated as a member of the governing body or as an employee or with which the member has entered into a contractual arrangement. Meetings of the council and the peer review panels are subject to chapter 119, s. 286.011, and s. 24, Art. I of the State Constitution.

(12) Beginning in fiscal year 2006-2007, the sum of $15 million is appropriated annually from recurring funds in the General Revenue Fund to the Grants and Donations Trust Fund within the Department of Elderly Affairs for the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute at the University of South Florida for the purposes as provided under paragraph (6)(a), conducting and supporting research, providing institutional research grants and investigator-initiated research grants, developing and operating integrated data projects, and providing assistance to statutorily designated memory disorder clinics as provided under s. 430.502. Not less than 80 percent of the appropriated funds shall be expended for these purposes and not less than 20 percent of the appropriated funds shall be expended for peer-reviewed investigator-initiated research grants.

(13) By June 1, 2009, the Division of Statutory Revision of the Office of Legislative Services shall certify to the President of the Senate and the Speaker of the House of Representatives the language and statutory citation of this section, which is scheduled to expire January 1, 2011.

(14) The Legislature shall review the performance, the outcomes, and the financial management of the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute during the 2010 Regular Session of the Legislature and shall determine the most appropriate funding source and means of funding the center and institute based on its review.

(15) This section expires January 1, 2011, unless reviewed and reenacted by the Legislature before that date.

Section 13. All appointments to the board of directors of the not-for-profit corporation for the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute that were not made in accordance with s. 1004.445, Florida Statutes, as amended by this act, shall expire June 30, 2006, but such appointees may continue to serve until their successors are appointed. This section shall take effect upon this act becoming a law.

Section 14. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2006.

======== T I T L E A M E N D M E N T ========

Delete everything before the enacting clause

and insert:

A bill to be entitled

An act relating to biomedical research; providing legislative intent; amending s. 20.435, F.S.; authorizing the use of funds in the Biomedical Research Trust Fund for the purposes of the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program; amending s. 215.5602, F.S.; revising the membership and the method for appointing members to the Biomedical Research Advisory Council; requiring the council to award grants for cancer research through the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program; providing for the repeal of the James and Esther King Biomedical Research Program; requiring the Legislature to review the program prior to the repeal; providing for transition to new appointments; amending s. 381.855, F.S.; revising the membership of the advisory council for the Florida Center for Universal Research to Eradicate Disease; providing for terms of office and the filling of vacancies; providing for officers, meetings, and procedures; providing for transition to new appointments; amending s. 381.921, F.S.; revising a goal of the Florida Cancer Council; creating s. 381.922, F.S.; establishing the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program within the Department of Health; providing the purpose of the program; requiring the program to provide grants for cancer research; providing procedures for awarding cancer research grants; providing for peer review panels; providing requirements with respect to ethical conduct and conflicts of interest; providing for public records and meetings; requiring an annual report; providing for the repeal of William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program; requiring the Legislature to review the program prior to the repeal; amending s. 381.98, F.S., revising the purpose, duties, and authority of the Florida Public Health Foundation, Inc.; revising the membership of the board of directors of the corporation; amending s. 430.41, F.S., providing for the Governor to certify certain funds for a certain number of years; amending s. 561.121, F.S.; redistributing certain funds collected from taxes on alcoholic beverages; amending s. 1004.445, F.S.; revising the method of appointing and filling vacancies on the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute board of directors; requiring certain information in the annual report; requiring an annual operating budget; providing procedures for awarding of Alzheimer's disease research grants; providing for peer review panels; providing requirements with respect to ethical conduct and conflicts of interest; providing for public records and meetings; providing for the repeal of Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute; requiring the Legislature to review the center and institute prior to the repeal; providing appropriations; providing for the transition of new appointments to the board of directors of the not-for-profit corporation for the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute; providing effective dates.

On motion by Rep. Hasner, the House concurred in Senate Amendment 1.

The question recurred on the passage of HB 1027. The vote was:

Session Vote Sequence: 1172

Speaker Bense in the Chair.

Yeas—114

Adams	Culp	Holloway	Proctor
Allen	Cusack	Homan	Quinones
Altman	Davis, D.	Hukill	Reagan
Ambler	Davis, M.	Jennings	Rice
Anderson	Dean	Johnson	Richardson
Antone	Detert	Jordan	Rivera
Arza	Domino	Joyner	Robaina
Attkisson	Evers	Kottkamp	Roberson
Ausley	Farkas	Kravitz	Ross
Barreiro	Fields	Kreegel	Rubio
Baxley	Flores	Legg	Russell
Bean	Galvano	Littlefield	Ryan
Bendross-Mindingall	Gannon	Llorente	Sands
Bense	Garcia	Lopez-Cantera	Sansom
Benson	Gardiner	Machek	Seiler
Berfield	Gelber	Mahon	Simmons
Bilirakis	Gibson, A.	Mayfield	Slosberg
Bogdanoff	Gibson, H.	McInvale	Smith
Bowen	Glorioso	Meadows	Sobel
Brown	Goldstein	Mealor	Sorensen
Brummer	Goodlette	Murzin	Stansel
Brutus	Gottlieb	Needelman	Stargel
Bucher	Grant	Negron	Traviesa
Bullard	Greenstein	Patterson	Troutman
Cannon	Grimsley	Peterman	Waters
Carroll	Harrell	Pickens	Williams
Clarke	Hasner	Planas	Zapata
Coley	Hays	Poppell	
Cretul	Henriquez	Porth	

Nays—None

Votes after roll call:
Yeas—Kyle

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

REPRESENTATIVE SMITH IN THE CHAIR

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1221, with amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 1221—A bill to be entitled An act relating to district school boards; creating s. 1001.364, F.S.; providing for an alternate procedure for the election of a district school board chair in any school district that does not have a district school board member elected at large; requiring a referendum and providing requirements for submitting such referendum to the electors; creating s. 1001.365, F.S.; providing for resolution of a tie vote by the district school board chair and district school board members; amending s. 1001.371, F.S., relating to organization of district school boards, to conform; providing an effective date.

(Amendment Bar Code: 200734)

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause

and insert:

Section 1. The Legislature finds that medium-sized counties in Florida have experienced rapid and dynamic growth in the last decade. The Legislature recognizes that some counties have been experiencing rapid growth, based on student enrollment figures. The Legislature also recognizes that the needs of students in kindergarten through grade 12 are significantly tied to expansive growth in these counties, and that the needs of families that have school-age children require critical consideration. The Legislature finds that the will of the electors regarding education issues may be better realized by offering an alternate procedure for the district school board chair to be elected directly by the electors of the school district.

Section 2. Section 1001.364, Florida Statutes, is created to read:

1001.364 Alternate procedure for election of district school board chair.--

(1) The district school board chair shall be elected in accordance with the provisions of s. 1001.371 unless a proposition calling for the district school board chair to be elected as an additional school board member by districtwide vote is submitted to and approved by a majority of the qualified electors voting on such proposition in the manner provided in subsection (2).

(2) A proposition calling for the district school board chair to be elected by districtwide vote shall be submitted to the electors of the school district at any primary, general, or otherwise-called special election in either of the following manners:

(a) The district school board may adopt a formal resolution directing that the proposition be placed on the ballot; or

(b) The electors of the school district may petition to have the proposition placed on the ballot by presenting to the district school board petitions signed by not less than 10 percent of the duly qualified electors residing within the school district. The number of signatures required shall be determined by the supervisor of elections according to the number of registered electors in the school district as of the date the petitioning electors register as a political committee as provided in subsection (3).

(3) The electors petitioning to have the proposition placed on the ballot shall register as a political committee pursuant to s. 106.03, and a specific person shall be designated therein as chair of the committee to act for the committee.

(4) Each petition form circulated shall include the following wording:

> As a registered elector of the school district of County, Florida, I am petitioning for a referendum election to determine whether the district school board chair shall be elected by districtwide vote.

The petition shall also include space for the signature and address of the elector. Each signature obtained shall be dated when made and is valid for a period of 4 years after that date.

(5) Upon the filing of the petitions with the district school board by the chair of the committee, the district school board shall submit the petitions to the supervisor of elections for verification of the signatures. Within a period of not more than 30 days, the supervisor of elections shall determine whether the petitions contain the required number of valid signatures. The supervisor of elections shall be paid by the committee seeking verification the sum of 10 cents for each signature checked.

(6) If it is determined that the petitions have the required signatures, the supervisor of elections shall certify the petitions to the district school board, which shall adopt a formal resolution requesting that an election date be set to conform to the earliest primary, general, or otherwise-called special election that occurs not less than 30 days after certification of the petitions. If it is determined that the petitions do not contain the required signatures, the supervisor of elections shall so notify the district school board, which shall file the petitions without taking further action, and the matter shall be at an end. No additional signatures may be added to the petitions, and the petitions may not be used in any other proceeding.

(7) No special election may be called for the sole purpose of presenting the proposition to the vote of the electors.

(8) Any school district adopting the proposition set forth in this section may thereafter return to the procedure otherwise provided by law by following the same procedure outlined in subsection (2).

(9) If a proposition submitted to the electors under subsection (2) calling for the district school board chair to be elected by districtwide vote is approved by vote of the qualified electors, the office of district school board chair shall be filled at the next general election.

(10) The vice chair of the district school board shall be elected by the members of the district school board as provided in s. 1001.371.

(11) This section applies only to those counties organized by charter that have a population of between 800,000 and 900,000 according to the last federal decennial census.

Section 3. Section 1001.365, Florida Statutes, is created to read:

1001.365 Votes by district school board chair and district school board members.--Unless otherwise provided by law, in the event of a tie vote of the district school board chair and district school board members acting in any capacity, the side on which the district school board chair voted shall be deemed to prevail. For purposes of any vote of the district school board chair and district school board members acting in any capacity, action taken pursuant to that side of a tie vote on which the district school board chair voted satisfies the requirement that action be taken by a "majority" vote or a "simple majority" vote. This section applies only to those counties organized by charter that have a population of between 800,000 and 900,000 according to the last federal decennial census.

Section 4. Section 1001.371, Florida Statutes, is amended to read:

1001.371 Organization of district school board.--On the third Tuesday after the first Monday in November of each year, the district school board shall organize by electing a chair. It may elect a vice chair, and the district school superintendent shall act ex officio as the secretary. If a vacancy should occur in the position of chair, the district school board shall proceed to elect a chair at the next ensuing regular or special meeting. At the organization meeting, the district school superintendent shall act as chair until the organization is completed. The chair and secretary shall then make and sign a copy of the proceedings of organization, including the schedule for regular meetings and the names and addresses of all district school officers, and annex their affidavits that the same is a true and correct copy of the original, and the secretary shall file the document within 2 weeks with the Department of Education. This section does not apply to any school district with a district school board chair who is elected by districtwide vote.

Section 5. This act shall take effect July 1, 2006.

======== T I T L E A M E N D M E N T ========

Delete everything before the enacting clause

and insert:

A bill to be entitled

An act relating to district school boards; providing legislative findings; creating s. 1001.364, F.S.; providing for an alternate procedure for the election of a district school board chair in any school district that does not have a district school board member elected at large; requiring a referendum and providing requirements for submitting such referendum to the electors; creating s. 1001.365, F.S.; providing for resolution of a tie vote by the district school board chair and district school board members; amending s. 1001.371, F.S., relating to organization of district school boards, to conform; providing an effective date.

On motion by Rep. Cannon, the House concurred in Senate Amendment 1.

The question recurred on the passage of HB 1221. The vote was:

Session Vote Sequence: 1173

Representative Smith in the Chair.

Yeas—85

Adams	Benson	Davis, M.	Glorioso
Allen	Bilirakis	Dean	Goldstein
Altman	Bogdanoff	Detert	Goodlette
Ambler	Bowen	Evers	Grant
Anderson	Brown	Farkas	Greenstein
Antone	Brummer	Fields	Grimsley
Arza	Bucher	Flores	Harrell
Attkisson	Cannon	Galvano	Hasner
Ausley	Clarke	Gannon	Hays
Barreiro	Coley	Garcia	Homan
Baxley	Cretul	Gardiner	Hukill
Bean	Davis, D.	Gibson, H.	Jennings
Johnson	Mahon	Porth	Sorensen
Jordan	Mayfield	Quinones	Stargel
Kottkamp	McInvale	Reagan	Traviesa
Kravitz	Mealor	Rivera	Troutman
Kreegel	Murzin	Robaina	Waters
Kyle	Needelman	Roberson	Williams
Legg	Negron	Ross	Zapata
Littlefield	Patterson	Rubio	
Llorente	Pickens	Russell	
Lopez-Cantera	Poppell	Sansom	

Nays—26

Bendross-Mindingall	Gelber	Meadows	Seiler
Berfield	Gibson, A.	Peterman	Slosberg
Brutus	Gottlieb	Proctor	Smith
Bullard	Henriquez	Rice	Sobel
Culp	Holloway	Richardson	Stansel
Cusack	Joyner	Ryan	
Domino	Machek	Sands	

Votes after roll call:

Yeas—Planas

Nays—Carroll

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1489, with amendments, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 1489—A bill to be entitled An act relating to the state's aerospace industry; redesignating the "Florida Space Authority" as "Space Florida"; creating s. 331.3011, F.S.; providing legislative intent; amending s. 331.302, F.S.; establishing and creating Space Florida as an independent special district, a body politic and corporate, for certain purposes; providing purposes and duties and responsibilities of Space Florida; providing definitions; revising and consolidating the roles, purposes, responsibilities, assets, and duties of the Florida Space Authority as those of Space Florida; deleting authority to establish facilities and complementary activities; providing additional powers and duties of Space Florida; prohibiting Space Florida from endorsing political candidates or making campaign contributions; characterizing certain property as Space Florida territory; creating s. 331.3051, F.S.; providing additional powers and responsibilities of Space Florida relating to the state's aerospace industry; deleting authority to exercise eminent domain powers; requiring Space Florida to create a business plan and a marketing campaign; directing Space Florida to enter into agreements with the Department of Education, the Department of Transportation, Enterprise Florida, Inc., and Workforce Florida, Inc., for certain purposes; requiring Space Florida to coordinate its activities with federal and state agencies; amending s. 331.308, F.S.; replacing provisions providing for a board of supervisors with provisions providing for a board of directors of Space Florida; providing for designation and appointment of members; providing requirements of board members; providing for terms, removal of members, and filling of vacancies; providing for board meetings; specifying service without compensation; providing for reimbursement of certain expenses; providing financial disclosure requirements; revising powers and duties of the board; amending ss. 331.301, 331.303, 331.305, 331.306, 331.309, 331.310, 331.3101, 331.311, 331.312, 331.313, 331.316, 331.317, 331.318, 331.319, 331.320, 331.321, 331.322, 331.323, 331.324, 331.325, 331.326, 331.327, 331.328, 331.329, 331.331, 331.333, 331.334, 331.335, 331.336, 331.337, 331.338, 331.339, 331.340, 331.343, 331.345, 331.346, 331.347, 331.348, 331.349, 331.350, 331.351, 331.354, 331.355, 331.360, and 331.369, F.S., to conform; amending ss. 14.2015, 74.011, 196.012, 212.02, 288.063, 288.075, 288.35, and 288.9415, F.S., to conform; amending s. 212.08, F.S.; revising the exemption from the sales and use tax on certain machinery and equipment; creating s. 1004.86,

F.S.; requiring the Department of Education to contract for the establishment of the Florida Center for Mathematics and Science Education Research at a public or private university; specifying requirements for the center; repealing s. 331.314, F.S., relating to the exclusive authority of the Florida Space Authority to regulate spaceports; repealing s. 331.315, F.S., relating to maintenance of projects across rights-of-way; repealing s. 331.367, F.S., relating to the Spaceport Management Council; repealing s. 331.368, F.S., relating to the Florida Space Research Institute; repealing ss. 331.401, 331.403, 331.405, 331.407, 331.409, 331.411, 331.415, 331.417, and 331.419, F.S., relating to the Florida Aerospace Finance Corporation; requiring the Florida Space Authority, the Florida Space Research Institute, and the Florida Aerospace Finance Corporation to submit articles of dissolution to the Department of State by a specified date; providing that Space Florida assumes the records, property, and unexpended balances of appropriations, allocations, and other funds from the dissolved entities; requiring the Governor, the President of the Senate, and the Speaker of the House of Representatives to appoint the board of directors of Space Florida by a specified date; requiring the board of directors of Space Florida to hold its first meeting by a specified date; amending s. 228.1224, F.S.; requiring the Florida Commission on Tourism to advise and cooperate with Space Florida under certain circumstances; amending ss. 288.9015, 334.044, 445.004, and 1001.10, F.S.; requiring Enterprise Florida, Inc., the Department of Transportation, Workforce Florida, Inc., and the Commissioner of Education to enter into agreement with Space Florida for certain purposes; providing appropriations; providing an effective date.

(Amendment Bar Code: 044442)

Senate Amendment 3—On page 94, line 2493, through page 95, line 2516, delete those lines

and insert:
Section 68. There is appropriated for the 2006-2007 state fiscal year to the Office of Tourism, Trade, and Economic Development within the Office of the Governor $35 million of nonrecurring funds from the General Revenue Fund to be used for infrastructure needs related to the development of the National Aeronautics and Space Administration's Crew Exploration Vehicle; $3 million of nonrecurring funds from the General Revenue Fund for operational needs of Space Florida, including operational funding through September 1, 2006, for the Florida Space Authority, the Florida Aerospace Finance Corporation, and the Florida Space Research Institute; and $4 million of nonrecurring funds from the General Revenue Fund for implementation of innovative education programs and financing assistance for aerospace business-development projects.

(Amendment Bar Code: 240494)

Senate Amendment 4—On line 709, after the word "Governor"

insert: or the Governor's designee

(Amendment Bar Code: 171852)

Senate Amendment 5—On line 99, after the word "civil"

insert: , commercial,

(Amendment Bar Code: 280382)

Senate Amendment 6 —On lines 119 through 127, delete those lines

and insert: served by the Cape Canaveral Air Force Station and the John F. Kennedy Space Center by reducing costs and improving the regulatory flexibility for commercial sector launches while pursuing the development of complementary sites for commercial horizontal launches.
(3) It is the intent of the Legislature that aerospace activities be highly visible and well-coordinated within this state. To that end, it is the intent of the Legislature that Space Florida will be the single point of contact for state aerospace-

(Amendment Bar Code: 493318)

Senate Amendment 7—On line 137, after the word "corporate,"

insert: and a subdivision of the state,

(Amendment Bar Code: 395750)

Senate Amendment 8—On lines 746 through 748, delete those lines

and insert: 2. The appointees of the President of the Senate and the Speaker of the House of Representatives shall serve at the pleasure of their presiding officers.

On motion by Rep. Waters, the House concurred in Senate Amendments 3, 4, 5, 6, 7, and 8.

(Amendment Bar Code: 234356)

Senate Amendment 2 (with title amendment)—Between lines 2516-2517,

insert:
Section 69. Notwithstanding s. 331.308(1)(f), Florida Statutes, the current board appointees, including ex officio appointees, to the Florida Space Authority Board of Supervisors shall complete their appointed terms as members of the Space Florida Board and shall assist Space Florida with its transition. Their historical perspective, insight, and expertise will ensure continuity of operations. The Governor shall make appointments to fill the remaining vacancies by July 1, 2006. Other vacancies occurring prior to the expiration of a term may be filled as provided in this act. The board of directors of Space Florida shall hold its first meeting by August 1, 2006. The board of directors shall appoint a president by September 1, 2006. The Executive Office of the Governor shall provide staffing and transition assistance to Space Florida until December 31, 2006.

(redesignate subsequent sections.)

======== T I T L E A M E N D M E N T ========
And the title is amended as follows:
On line 82, after the semicolon,

insert:
requiring current Florida Space Authority board members to complete their terms as appointees of the Space Florida board; requiring the Governor to appoint the remaining members of the board; providing for vacancies; providing for staffing;

Representative(s) Allen offered the following:

(Amendment Bar Code: 138727)

House Amendment 1 to Senate Amendment 2 (with title amendment)—On page 1, line 15, to page 2, line 16,
remove: all of said lines,

and insert:
Remove lines 2517 and 2518 and insert:
Section 69. Notwithstanding s. 331.308(1)(f), Florida Statutes, the current appointees, including ex officio appointees, to the Florida Space Authority board of supervisors shall complete their appointed terms as members of the Space Florida board of directors and shall assist Space Florida with its transition. Their historical perspective, insight, and expertise will ensure continuity of operations. The Governor shall make appointments to fill the remaining vacancies by July 1, 2007. Other vacancies occurring prior to the expiration of a term may be filled as provided in this act.

Section 70. This act shall take effect July 1, 2007, and the schedules provided in sections 61 and 62 of this act shall be adjusted accordingly to implement this act.

======== T I T L E A M E N D M E N T ========
On line 82, after the semicolon,

insert:
requiring current members of the Florida Space Authority board of supervisors to complete their terms as appointees of the Space Florida board of directors; requiring the Governor to appoint the remaining members of the Space Florida board of directors; providing for vacancies; providing for staffing; providing for adjusting certain schedules;

Rep. Allen moved the adoption of the amendment to the amendment, which failed of adoption.

On motion by Rep. Waters, the House concurred in Senate Amendment 2.

The question recurred on the passage of HB 1489. The vote was:

Session Vote Sequence: 1174

Representative Smith in the Chair.

Yeas—113

Adams	Davis, D.	Hukill	Quinones
Altman	Davis, M.	Jennings	Reagan
Ambler	Dean	Johnson	Rice
Anderson	Detert	Jordan	Richardson
Antone	Domino	Joyner	Rivera
Arza	Evers	Kottkamp	Robaina
Attkisson	Farkas	Kravitz	Roberson
Ausley	Fields	Kreegel	Ross
Barreiro	Flores	Kyle	Rubio
Baxley	Galvano	Legg	Russell
Bean	Gannon	Littlefield	Ryan
Bendross-Mindingall	Garcia	Llorente	Sands
Benson	Gardiner	Lopez-Cantera	Sansom
Berfield	Gelber	Machek	Seiler
Bilirakis	Gibson, A.	Mahon	Simmons
Bogdanoff	Gibson, H.	Mayfield	Slosberg
Bowen	Glorioso	McInvale	Smith
Brown	Goldstein	Meadows	Sobel
Brummer	Goodlette	Mealor	Stansel
Brutus	Gottlieb	Murzin	Stargel
Bucher	Grant	Needelman	Traviesa
Bullard	Greenstein	Negron	Troutman
Cannon	Grimsley	Patterson	Vana
Carroll	Harrell	Peterman	Waters
Clarke	Hasner	Pickens	Williams
Coley	Hays	Planas	Zapata
Cretul	Henriquez	Poppell	
Culp	Holloway	Porth	
Cusack	Homan	Proctor	

Nays—1

Allen

Votes after roll call:
Yeas—Sorensen

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7201, with amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 7201—A bill to be entitled An act relating to sexual offenses; amending s. 796.07, F.S.; providing enhanced penalties for certain violations committed within a specified distance of certain locations; amending s. 810.14, F.S.; revising the elements of the offense of voyeurism in order to eliminate acts of photographing, filming, videotaping, or recording, which are elements of the separate offense of video voyeurism; providing that a person commits the offense of voyeurism when he or she, with certain intent, secretly observes another person when the other person is in a location that provides a reasonable expectation of privacy; providing an effective date.

(Amendment Bar Code: 545506)

Senate Amendment 1 (with title amendment)—Lines 17 through 48, delete those lines and redesignate subsequent sections.

======== T I T L E A M E N D M E N T ========
And the title is amended as follows:
Lines 2 through 5, delete those lines

and insert:
An act relating to sexual offenses; amending s. 810.14, F.S.; revising the elements

On motion by Rep. Kravitz, the House concurred in Senate Amendment 1.

The question recurred on the passage of HB 7201. The vote was:

Session Vote Sequence: 1175

Representative Smith in the Chair.

Yeas—113

Adams	Cusack	Homan	Quinones
Allen	Davis, D.	Hukill	Reagan
Altman	Davis, M.	Jennings	Rice
Ambler	Dean	Johnson	Richardson
Anderson	Detert	Jordan	Rivera
Antone	Domino	Joyner	Robaina
Arza	Evers	Kottkamp	Roberson
Attkisson	Farkas	Kravitz	Ross
Ausley	Fields	Kreegel	Rubio
Barreiro	Flores	Kyle	Russell
Baxley	Galvano	Legg	Ryan
Bean	Gannon	Littlefield	Sands
Bendross-Mindingall	Garcia	Llorente	Sansom
Benson	Gardiner	Lopez-Cantera	Seiler
Berfield	Gelber	Machek	Simmons
Bilirakis	Gibson, A.	Mahon	Slosberg
Bogdanoff	Gibson, H.	Mayfield	Smith
Bowen	Glorioso	McInvale	Sorensen
Brown	Goldstein	Mealor	Stansel
Brummer	Goodlette	Murzin	Stargel
Brutus	Gottlieb	Needelman	Traviesa
Bucher	Grant	Negron	Troutman
Bullard	Greenstein	Patterson	Vana
Cannon	Grimsley	Peterman	Waters
Carroll	Harrell	Pickens	Williams
Clarke	Hasner	Planas	Zapata
Coley	Hays	Poppell	
Cretul	Henriquez	Porth	
Culp	Holloway	Proctor	

Nays—None

Votes after roll call:
Yeas—Sobel

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7237, with amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 7237—A bill to be entitled An act relating to the Public Service Commission; amending s. 350.01, F.S.; correcting cross-references; revising provisions for terms of commissioners on the Public Service Commission; revising a reference to the office of hearing examiners; amending s. 350.011, F.S.; deleting obsolete provisions relating to a transfer of certain functions and duties to the Public Service Commission; amending s. 350.012, F.S.; removing a provision for governance of the Committee on Public Service Commission Oversight; repealing s. 350.051, F.S., relating to qualifications of the Chief Auditor of the commission; amending s. 350.06, F.S.; deleting certain provisions relating to the employment of reporters and furnishing of transcripts by the commission; revising provisions for the collection and accounting of fees for furnishing transcripts and other documents or instruments; amending s. 350.113, F.S.; removing limits on the amount of certain regulatory fees; amending s. 350.117, F.S.; removing an exception for railroads from certain audits by the commission; repealing s. 350.80, F.S., relating to regulation of certain coal slurry pipeline companies; amending s. 361.08, F.S.; removing a provision for consideration by the court of certain findings by the commission relating to coal slurry pipeline companies, to conform to changes made by the act; providing an effective date.

(Amendment Bar Code: 211682)

Senate Amendment 1 —On line 31 through line 54, delete those lines

and insert:

Section 1. Paragraphs (a) and (b) of subsection (2), subsection (3), and subsection (5) of section 350.01, Florida Statutes, are amended to read:

350.01 Florida Public Service Commission; terms of commissioners; vacancies; election and duties of chair; quorum; proceedings.--

(2)(a) Each commissioner serving on July 1, 1978, shall be permitted to remain in office until the completion of his or her current term. Upon the expiration of the term, a successor shall be appointed in the manner prescribed by s. 350.031(5), (6), ~~(3)~~ and (7) ~~(4)~~ for a 4-year term, except that the terms of the initial members appointed under this act shall be as follows:

1. The vacancy created by the present term ending in January, 1981, shall be filled by appointment for a 4-year term and for 4-year terms thereafter; and

2. The vacancies created by the two present terms ending in January, 1979, shall be filled by appointment for a 3-year term and for 4-year terms thereafter.

(b) Two additional commissioners shall be appointed in the manner prescribed by s. 350.031(5), (6), ~~(3)~~ and (7) ~~(4)~~ for 4-year terms beginning the first Tuesday after the first Monday in January, 1979, and successors shall be appointed for 4-year terms thereafter with each term beginning on January 2 of the year the term commences and ending 4 years later on January 1.

(3) Any person serving on the commission who seeks to be appointed or reappointed shall file with the nominating council at least 210 ~~180~~ days before the expiration of his or her term a statement that he or she desires to serve an additional term.

On motion by Rep. Littlefield, the House concurred in Senate Amendment 1.

The question recurred on the passage of HB 7237. The vote was:

Session Vote Sequence: 1176

Representative Smith in the Chair.

Yeas—116

Adams	Ausley	Bilirakis	Cannon
Allen	Barreiro	Bogdanoff	Carroll
Altman	Baxley	Bowen	Clarke
Ambler	Bean	Brown	Coley
Anderson	Bendross-Mindingall	Brummer	Cretul
Antone	Bense	Brutus	Culp
Arza	Benson	Bucher	Cusack
Attkisson	Berfield	Bullard	Davis, D.
Davis, M.	Grimsley	Mahon	Roberson
Dean	Harrell	Mayfield	Ross
Detert	Hasner	McInvale	Rubio
Domino	Hays	Meadows	Russell
Evers	Henriquez	Mealor	Ryan
Farkas	Holloway	Murzin	Sands
Fields	Homan	Needelman	Sansom
Flores	Hukill	Negron	Seiler
Galvano	Jennings	Patterson	Simmons
Gannon	Johnson	Peterman	Slosberg
Garcia	Jordan	Pickens	Smith
Gardiner	Joyner	Planas	Sobel
Gelber	Kottkamp	Poppell	Sorensen
Gibson, A.	Kravitz	Porth	Stansel
Gibson, H.	Kreegel	Proctor	Stargel
Glorioso	Kyle	Quinones	Traviesa
Goldstein	Legg	Reagan	Troutman
Goodlette	Littlefield	Rice	Vana
Gottlieb	Llorente	Richardson	Waters
Grant	Lopez-Cantera	Rivera	Williams
Greenstein	Machek	Robaina	Zapata

Nays—None

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 147, with amendments, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 147—A bill to be entitled An act relating to criminal prosecutions; creating s. 918.19, F.S.; prescribing rights of the prosecution in closing arguments; repealing Rule 3.250, Florida Rules of Criminal Procedure, relating to the accused as a witness and being entitled to concluding arguments before the jury, to the extent of inconsistency with the act; providing an effective date.

(Amendment Bar Code: 891330)

Senate Amendment 1—Between lines 32 and 33,

insert:

The method set forth in this section shall control unless the Supreme Court determines it is procedural and issues a substitute rule of criminal procedure.

(Amendment Bar Code: 054986)

Senate Amendment 2—On line 36, delete that line

and insert:

Section 3. This act shall take effect October 1, 2006,

On motion by Rep. Kravitz, the House concurred in Senate Amendments 1 and 2.

The question recurred on the passage of HB 147. The vote was:

Session Vote Sequence: 1177

Representative Smith in the Chair.

Yeas—115

Adams	Anderson	Ausley	Bendross-Mindingall
Allen	Antone	Barreiro	Bense
Altman	Arza	Baxley	Benson
Ambler	Attkisson	Bean	Berfield

Bilirakis	Gannon	Kravitz	Richardson
Bogdanoff	Garcia	Kreegel	Rivera
Bowen	Gardiner	Kyle	Robaina
Brown	Gelber	Legg	Roberson
Brummer	Gibson, A.	Littlefield	Ross
Brutus	Gibson, H.	Llorente	Rubio
Bucher	Glorioso	Machek	Russell
Bullard	Goldstein	Mahon	Ryan
Cannon	Goodlette	Mayfield	Sands
Carroll	Gottlieb	McInvale	Sansom
Clarke	Grant	Meadows	Seiler
Coley	Greenstein	Mealor	Simmons
Cretul	Grimsley	Murzin	Slosberg
Culp	Harrell	Needelman	Smith
Cusack	Hasner	Negron	Sobel
Davis, D.	Hays	Patterson	Sorensen
Davis, M.	Henriquez	Peterman	Stansel
Dean	Holloway	Pickens	Stargel
Detert	Homan	Planas	Traviesa
Domino	Hukill	Poppell	Troutman
Evers	Jennings	Porth	Vana
Farkas	Johnson	Proctor	Waters
Fields	Jordan	Quinones	Williams
Flores	Joyner	Reagan	Zapata
Galvano	Kottkamp	Rice	

Nays—None

So the bill passed, as amended, by the required two-thirds vote of the membership. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 187, with amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 187—A bill to be entitled An act relating to lawful testing for alcohol, chemical substances, or controlled substances; amending s. 316.1932, F.S.; revising provisions to notify a person that refusal to submit to a lawful test of the person's breath, urine, or blood is a misdemeanor, to conform to changes made by the act; limiting information to be made available to a person tested to determine the amount of alcohol in the person's blood or breath or the presence of chemical substances or controlled substances; amending s. 316.1939, F.S.; removing prior suspension as a condition for the commission of a misdemeanor by refusal to submit to a lawful test of breath, urine, or blood; providing penalties for refusal to submit to testing; amending s. 327.352, F.S.; revising provisions to notify a person that refusal to submit to a lawful test of the person's breath, urine, or blood is a misdemeanor, to conform to changes made by the act; limiting information to be made available to a person tested to determine the amount of alcohol in the person's blood or breath or the presence of chemical substances or controlled substances; amending s. 327.359, F.S.; removing prior suspension as a condition for the commission of a misdemeanor by refusal to submit to a lawful test of breath, urine, or blood; providing penalties for refusal to submit to testing; providing an effective date.

(Amendment Bar Code: 623682)

Senate Amendment 2 (with title amendment)—Delete everything after the enacting clause,

and insert:

Section 1. Paragraphs (a), (c), and (f) of subsection (1) of section 316.1932, Florida Statutes, are amended to read:

316.1932 Tests for alcohol, chemical substances, or controlled substances; implied consent; refusal.--

(1)(a)1.a. Any person who accepts the privilege extended by the laws of this state of operating a motor vehicle within this state is, by so operating such vehicle, deemed to have given his or her consent to submit to an approved chemical test or physical test including, but not limited to, an infrared light test of his or her breath for the purpose of determining the alcoholic content of his or her blood or breath if the person is lawfully arrested for any offense allegedly committed while the person was driving or was in actual physical control of a motor vehicle while under the influence of alcoholic beverages. The chemical or physical breath test must be incidental to a lawful arrest and administered at the request of a law enforcement officer who has reasonable cause to believe such person was driving or was in actual physical control of the motor vehicle within this state while under the influence of alcoholic beverages. The administration of a breath test does not preclude the administration of another type of test. The person shall be told that his or her failure to submit to any lawful test of his or her breath will result in the suspension of the person's privilege to operate a motor vehicle for a period of 1 year for a first refusal, or for a period of 18 months if the driving privilege of such person has been previously suspended as a result of a refusal to submit to such a test or tests, and shall also be told that if he or she refuses to submit to a lawful test of his or her breath and his or her driving privilege has been previously suspended for a prior refusal to submit to a lawful test of his or her breath, urine, or blood, he or she commits a misdemeanor in addition to any other penalties. The refusal to submit to a chemical or physical breath test upon the request of a law enforcement officer as provided in this section is admissible into evidence in any criminal proceeding.

b. Any person who accepts the privilege extended by the laws of this state of operating a motor vehicle within this state is, by so operating such vehicle, deemed to have given his or her consent to submit to a urine test for the purpose of detecting the presence of chemical substances as set forth in s. 877.111 or controlled substances if the person is lawfully arrested for any offense allegedly committed while the person was driving or was in actual physical control of a motor vehicle while under the influence of chemical substances or controlled substances. The urine test must be incidental to a lawful arrest and administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such tests at the request of a law enforcement officer who has reasonable cause to believe such person was driving or was in actual physical control of a motor vehicle within this state while under the influence of chemical substances or controlled substances. The urine test shall be administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such test in a reasonable manner that will ensure the accuracy of the specimen and maintain the privacy of the individual involved. The administration of a urine test does not preclude the administration of another type of test. The person shall be told that his or her failure to submit to any lawful test of his or her urine will result in the suspension of the person's privilege to operate a motor vehicle for a period of 1 year for the first refusal, or for a period of 18 months if the driving privilege of such person has been previously suspended as a result of a refusal to submit to such a test or tests, and shall also be told that if he or she refuses to submit to a lawful test of his or her urine and his or her driving privilege has been previously suspended for a prior refusal to submit to a lawful test of his or her breath, urine, or blood, he or she commits a misdemeanor in addition to any other penalties. The refusal to submit to a urine test upon the request of a law enforcement officer as provided in this section is admissible into evidence in any criminal proceeding.

2. The Alcohol Testing Program within the Department of Law Enforcement is responsible for the regulation of the operation, inspection, and registration of breath test instruments utilized under the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327. The program is responsible for the regulation of the individuals who operate, inspect, and instruct on the breath test instruments utilized in the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327. The program is further responsible for the regulation of blood analysts who conduct blood testing to be utilized under the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327. The program shall:

a. Establish uniform criteria for the issuance of permits to breath test operators, agency inspectors, instructors, blood analysts, and instruments.

b. Have the authority to permit breath test operators, agency inspectors, instructors, blood analysts, and instruments.

c. Have the authority to discipline and suspend, revoke, or renew the permits of breath test operators, agency inspectors, instructors, blood analysts, and instruments.

d. Establish uniform requirements for instruction and curricula for the operation and inspection of approved instruments.

e. Have the authority to specify one approved curriculum for the operation and inspection of approved instruments.

f. Establish a procedure for the approval of breath test operator and agency inspector classes.

g. Have the authority to approve or disapprove breath test instruments and accompanying paraphernalia for use pursuant to the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327.

h. With the approval of the executive director of the Department of Law Enforcement, make and enter into contracts and agreements with other agencies, organizations, associations, corporations, individuals, or federal agencies as are necessary, expedient, or incidental to the performance of duties.

i. Issue final orders which include findings of fact and conclusions of law and which constitute final agency action for the purpose of chapter 120.

j. Enforce compliance with the provisions of this section through civil or administrative proceedings.

k. Make recommendations concerning any matter within the purview of this section, this chapter, chapter 322, or chapter 327.

l. Promulgate rules for the administration and implementation of this section, including definitions of terms.

m. Consult and cooperate with other entities for the purpose of implementing the mandates of this section.

n. Have the authority to approve the type of blood test utilized under the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327.

o. Have the authority to specify techniques and methods for breath alcohol testing and blood testing utilized under the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327.

p. Have the authority to approve repair facilities for the approved breath test instruments, including the authority to set criteria for approval.

Nothing in this section shall be construed to supersede provisions in this chapter and chapters 322 and 327. The specifications in this section are derived from the power and authority previously and currently possessed by the Department of Law Enforcement and are enumerated to conform with the mandates of chapter 99-379, Laws of Florida.

(c) Any person who accepts the privilege extended by the laws of this state of operating a motor vehicle within this state is, by operating such vehicle, deemed to have given his or her consent to submit to an approved blood test for the purpose of determining the alcoholic content of the blood or a blood test for the purpose of determining the presence of chemical substances or controlled substances as provided in this section if there is reasonable cause to believe the person was driving or in actual physical control of a motor vehicle while under the influence of alcoholic beverages or chemical or controlled substances and the person appears for treatment at a hospital, clinic, or other medical facility and the administration of a breath or urine test is impractical or impossible. As used in this paragraph, the term "other medical facility" includes an ambulance or other medical emergency vehicle. The blood test shall be performed in a reasonable manner. Any person who is incapable of refusal by reason of unconsciousness or other mental or physical condition is deemed not to have withdrawn his or her consent to such test. A blood test may be administered whether or not the person is told that his or her failure to submit to such a blood test will result in the suspension of the person's privilege to operate a motor vehicle upon the public highways of this state and that a refusal to submit to a lawful test of his or her blood, if his or her driving privilege has been previously suspended for refusal to submit to a lawful test of his or her breath, urine, or blood, is a misdemeanor. Any person who is capable of refusal shall be told that his or her failure to submit to such a blood test will result in the suspension of the person's privilege to operate a motor vehicle for a period of 1 year for a first refusal, or for a period of 18 months if the driving privilege of the person has been suspended previously as a result of a refusal to submit to such a test or tests, and that a refusal to submit to a lawful test of his or her blood, if his or her driving privilege has been previously suspended for a prior refusal to submit to a lawful test of his or her breath, urine, or blood, is a misdemeanor. The refusal to submit to a blood test upon the request of a law enforcement officer is admissible in evidence in any criminal proceeding.

(f)1. The tests determining the weight of alcohol in the defendant's blood or breath shall be administered at the request of a law enforcement officer substantially in accordance with rules of the Department of Law Enforcement. Such rules must specify precisely the test or tests that are approved by the Department of Law Enforcement for reliability of result and ease of administration, and must provide an approved method of administration which must be followed in all such tests given under this section. However, the failure of a law enforcement officer to request the withdrawal of blood does not affect the admissibility of a test of blood withdrawn for medical purposes.

2.a. Only a physician, certified paramedic, registered nurse, licensed practical nurse, other personnel authorized by a hospital to draw blood, or duly licensed clinical laboratory director, supervisor, technologist, or technician, acting at the request of a law enforcement officer, may withdraw blood for the purpose of determining its alcoholic content or the presence of chemical substances or controlled substances therein. However, the failure of a law enforcement officer to request the withdrawal of blood does not affect the admissibility of a test of blood withdrawn for medical purposes.

b. Notwithstanding any provision of law pertaining to the confidentiality of hospital records or other medical records, if a health care provider, who is providing medical care in a health care facility to a person injured in a motor vehicle crash, becomes aware, as a result of any blood test performed in the course of that medical treatment, that the person's blood-alcohol level meets or exceeds the blood-alcohol level specified in s. 316.193(1)(b), the health care provider may notify any law enforcement officer or law enforcement agency. Any such notice must be given within a reasonable time after the health care provider receives the test result. Any such notice shall be used only for the purpose of providing the law enforcement officer with reasonable cause to request the withdrawal of a blood sample pursuant to this section.

c. The notice shall consist only of the name of the person being treated, the name of the person who drew the blood, the blood-alcohol level indicated by the test, and the date and time of the administration of the test.

d. Nothing contained in s. 395.3025(4), s. 456.057, or any applicable practice act affects the authority to provide notice under this section, and the health care provider is not considered to have breached any duty owed to the person under s. 395.3025(4), s. 456.057, or any applicable practice act by providing notice or failing to provide notice. It shall not be a breach of any ethical, moral, or legal duty for a health care provider to provide notice or fail to provide notice.

e. A civil, criminal, or administrative action may not be brought against any person or health care provider participating in good faith in the provision of notice or failure to provide notice as provided in this section. Any person or health care provider participating in the provision of notice or failure to provide notice as provided in this section shall be immune from any civil or criminal liability and from any professional disciplinary action with respect to the provision of notice or failure to provide notice under this section. Any such participant has the same immunity with respect to participating in any judicial proceedings resulting from the notice or failure to provide notice.

3. The person tested may, at his or her own expense, have a physician, registered nurse, other personnel authorized by a hospital to draw blood, or duly licensed clinical laboratory director, supervisor, technologist, or technician, or other person of his or her own choosing administer an independent test in addition to the test administered at the direction of the law enforcement officer for the purpose of determining the amount of alcohol in the person's blood or breath or the presence of chemical substances or controlled substances at the time alleged, as shown by chemical analysis of his or her blood or urine, or by chemical or physical test of his or her breath. The failure or inability to obtain an independent test by a person does not preclude the admissibility in evidence of the test taken at the direction of the law enforcement officer. The law enforcement officer shall not interfere with

the person's opportunity to obtain the independent test and shall provide the person with timely telephone access to secure the test, but the burden is on the person to arrange and secure the test at the person's own expense.

4. Upon the request of the person tested, full information concerning the results of the test taken at the direction of the law enforcement officer shall be made available to the person or his or her attorney. Full information is limited to the following:

a. The type of test administered and the procedures followed.

b. The time of the collection of the blood or breath sample analyzed.

c. The numerical results of the test indicating the alcohol content of the blood and breath.

d. The type and status of any permit issued by the Department of Law Enforcement which was held by the person who performed the test.

e. If the test was administered by means of a breath testing instrument, the date of performance of the most recent required inspection of such instrument.

Full information does not include manuals, schematics, or software of the instrument used to test the person or any other material that is not in the actual possession of the state. Additionally, full information does not include information in the possession of the manufacturer of the test instrument.

5. A hospital, clinical laboratory, medical clinic, or similar medical institution or physician, certified paramedic, registered nurse, licensed practical nurse, other personnel authorized by a hospital to draw blood, or duly licensed clinical laboratory director, supervisor, technologist, or technician, or other person assisting a law enforcement officer does not incur any civil or criminal liability as a result of the withdrawal or analysis of a blood or urine specimen, or the chemical or physical test of a person's breath pursuant to accepted medical standards when requested by a law enforcement officer, regardless of whether or not the subject resisted administration of the test.

Section 2. Paragraphs (a), (c), and (e) of subsection (1) of section 327.352, Florida Statutes, are amended to read:

327.352 Tests for alcohol, chemical substances, or controlled substances; implied consent; refusal.--

(1)(a)1. The Legislature declares that the operation of a vessel is a privilege that must be exercised in a reasonable manner. In order to protect the public health and safety, it is essential that a lawful and effective means of reducing the incidence of boating while impaired or intoxicated be established. Therefore, any person who accepts the privilege extended by the laws of this state of operating a vessel within this state is, by so operating such vessel, deemed to have given his or her consent to submit to an approved chemical test or physical test including, but not limited to, an infrared light test of his or her breath for the purpose of determining the alcoholic content of his or her blood or breath if the person is lawfully arrested for any offense allegedly committed while the person was operating a vessel while under the influence of alcoholic beverages. The chemical or physical breath test must be incidental to a lawful arrest and administered at the request of a law enforcement officer who has reasonable cause to believe such person was operating the vessel within this state while under the influence of alcoholic beverages. The administration of a breath test does not preclude the administration of another type of test. The person shall be told that his or her failure to submit to any lawful test of his or her breath will result in a civil penalty of $500, and shall also be told that if he or she refuses to submit to a lawful test of his or her breath and he or she has been previously fined for refusal to submit to any lawful test of his or her breath, urine, or blood, he or she commits a misdemeanor in addition to any other penalties. The refusal to submit to a chemical or physical breath test upon the request of a law enforcement officer as provided in this section is admissible into evidence in any criminal proceeding.

2. Any person who accepts the privilege extended by the laws of this state of operating a vessel within this state is, by so operating such vessel, deemed to have given his or her consent to submit to a urine test for the purpose of detecting the presence of chemical substances as set forth in s. 877.111 or controlled substances if the person is lawfully arrested for any offense allegedly committed while the person was operating a vessel while under the influence of chemical substances or controlled substances. The urine test must be incidental to a lawful arrest and administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such tests at the request of a law enforcement officer who has reasonable cause to believe such person was operating a vessel within this state while under the influence of chemical substances or controlled substances. The urine test shall be administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such test in a reasonable manner that will ensure the accuracy of the specimen and maintain the privacy of the individual involved. The administration of a urine test does not preclude the administration of another type of test. The person shall be told that his or her failure to submit to any lawful test of his or her urine will result in a civil penalty of $500, and shall also be told that if he or she refuses to submit to a lawful test of his or her urine and he or she has been previously fined for refusal to submit to any lawful test of his or her breath, urine, or blood, he or she commits a misdemeanor in addition to any other penalties. The refusal to submit to a urine test upon the request of a law enforcement officer as provided in this section is admissible into evidence in any criminal proceeding.

(c) Any person who accepts the privilege extended by the laws of this state of operating a vessel within this state is, by operating such vessel, deemed to have given his or her consent to submit to an approved blood test for the purpose of determining the alcoholic content of the blood or a blood test for the purpose of determining the presence of chemical substances or controlled substances as provided in this section if there is reasonable cause to believe the person was operating a vessel while under the influence of alcoholic beverages or chemical or controlled substances and the person appears for treatment at a hospital, clinic, or other medical facility and the administration of a breath or urine test is impractical or impossible. As used in this paragraph, the term "other medical facility" includes an ambulance or other medical emergency vehicle. The blood test shall be performed in a reasonable manner. Any person who is incapable of refusal by reason of unconsciousness or other mental or physical condition is deemed not to have withdrawn his or her consent to such test. Any person who is capable of refusal shall be told that his or her failure to submit to such a blood test will result in a civil penalty of $500 and that a refusal to submit to a lawful test of his or her blood, if he or she has previously been fined for refusal to submit to any lawful test of his or her breath, urine, or blood, is a misdemeanor. The refusal to submit to a blood test upon the request of a law enforcement officer shall be admissible in evidence in any criminal proceeding.

(e)1. The tests determining the weight of alcohol in the defendant's blood or breath shall be administered at the request of a law enforcement officer substantially in accordance with rules of the Department of Law Enforcement. However, the failure of a law enforcement officer to request the withdrawal of blood does not affect the admissibility of a test of blood withdrawn for medical purposes.

2. Only a physician, certified paramedic, registered nurse, licensed practical nurse, other personnel authorized by a hospital to draw blood, or duly licensed clinical laboratory director, supervisor, technologist, or technician, acting at the request of a law enforcement officer, may withdraw blood for the purpose of determining its alcoholic content or the presence of chemical substances or controlled substances therein. However, the failure of a law enforcement officer to request the withdrawal of blood does not affect the admissibility of a test of blood withdrawn for medical purposes.

3. The person tested may, at his or her own expense, have a physician, registered nurse, other personnel authorized by a hospital to draw blood, or duly licensed clinical laboratory director, supervisor, technologist, or technician, or other person of his or her own choosing administer an independent test in addition to the test administered at the direction of the law enforcement officer for the purpose of determining the amount of alcohol in the person's blood or breath or the presence of chemical substances or controlled substances at the time alleged, as shown by chemical analysis of his or her blood or urine, or by chemical or physical test of his or her breath. The failure or inability to obtain an independent test by a person does not preclude the admissibility in evidence of the test taken at the direction of the law enforcement officer. The law enforcement officer shall not interfere with the person's opportunity to obtain the independent test and shall provide the person with timely telephone access to secure the test, but the burden is on the person to arrange and secure the test at the person's own expense.

4. Upon the request of the person tested, full information concerning the results of the test taken at the direction of the law enforcement officer shall be made available to the person or his or her attorney. Full information is limited to the following:

a. The type of test administered and the procedures followed.

b. The time of the collection of the blood or breath sample analyzed.

c. The numerical results of the test indicating the alcohol content of the blood and breath.

d. The type and status of any permit issued by the Department of Law Enforcement which was held by the person who performed the test.

e. If the test was administered by means of a breath testing instrument, the date of performance of the most recent required inspection of such instrument.

Full information does not include manuals, schematics, or software of the instrument used to test the person or any other material that is not in the actual possession of the state. Additionally, full information does not include information in the possession of the manufacturer of the test instrument.

5. A hospital, clinical laboratory, medical clinic, or similar medical institution or physician, certified paramedic, registered nurse, licensed practical nurse, other personnel authorized by a hospital to draw blood, or duly licensed clinical laboratory director, supervisor, technologist, or technician, or other person assisting a law enforcement officer does not incur any civil or criminal liability as a result of the withdrawal or analysis of a blood or urine specimen, or the chemical or physical test of a person's breath pursuant to accepted medical standards when requested by a law enforcement officer, regardless of whether or not the subject resisted administration of the test.

Section 3. This act shall take effect October 1, 2006.

======== T I T L E A M E N D M E N T ========

And the title is amended as follows:

Delete everything before the enacting clause,

and insert:

A bill to be entitled

An act relating to lawful testing for alcohol, chemical substances, or controlled substances; amending s. 316.1932, F.S.; limiting information to be made available to a person tested to determine the amount of alcohol in the person's blood or breath or the presence of chemical substances or controlled substances; amending s. 327.352, F.S.; limiting information to be made available to a person tested to determine the amount of alcohol in the person's blood or breath or the presence of chemical substances or controlled substances; providing an effective date.

On motion by Rep. Porth, the House concurred in Senate Amendment 2.

The question recurred on the passage of HB 187. The vote was:

Session Vote Sequence: 1178

Representative Smith in the Chair.

Yeas—113

Adams	Bowen	Detert	Gottlieb
Allen	Brown	Domino	Grant
Altman	Brummer	Evers	Greenstein
Ambler	Brutus	Farkas	Grimsley
Antone	Bucher	Fields	Harrell
Arza	Bullard	Flores	Hasner
Attkisson	Cannon	Galvano	Hays
Ausley	Carroll	Gannon	Henriquez
Barreiro	Clarke	Garcia	Holloway
Baxley	Coley	Gardiner	Homan
Bean	Cretul	Gelber	Hukill
Bendross-Mindingall	Culp	Gibson, A.	Jennings
Bense	Cusack	Gibson, H.	Johnson
Benson	Davis, D.	Glorioso	Jordan
Berfield	Davis, M.	Goldstein	Joyner
Bogdanoff	Dean	Goodlette	Kottkamp
Kravitz	Murzin	Richardson	Sobel
Kreegel	Needelman	Rivera	Sorensen
Kyle	Negron	Robaina	Stansel
Legg	Patterson	Roberson	Stargel
Littlefield	Peterman	Rubio	Traviesa
Llorente	Pickens	Russell	Troutman
Lopez-Cantera	Planas	Ryan	Vana
Machek	Poppell	Sands	Waters
Mahon	Porth	Sansom	Williams
Mayfield	Proctor	Seiler	Zapata
McInvale	Quinones	Simmons	
Meadows	Reagan	Slosberg	
Mealor	Rice	Smith	

Nays—None

Votes after roll call:

Yeas—Ross

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 585, with amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 585—A bill to be entitled An act relating to inmate litigation costs; creating s. 945.6038, F.S.; requiring the Department of Corrections to charge inmates for specified costs relating to inmate litigation; authorizing liens on inmate trust funds; requiring rulemaking; providing intent; providing an effective date.

(Amendment Bar Code: 593060)

Senate Amendment 1 —Remove lines 19-21

and insert: evidentiary materials needed to initiate civil proceedings in judicial or administrative forums or that must be filed or served in a pending civil proceeding. The following costs are authorized:

On motion by Rep. Hukill, the House concurred in Senate Amendment 1.

The question recurred on the passage of HB 585. The vote was:

Session Vote Sequence: 1179

Representative Smith in the Chair.

Yeas—116

Adams	Brutus	Garcia	Jordan
Allen	Bucher	Gardiner	Joyner
Altman	Bullard	Gelber	Kottkamp
Ambler	Cannon	Gibson, A.	Kravitz
Anderson	Carroll	Gibson, H.	Kreegel
Antone	Clarke	Glorioso	Kyle
Arza	Coley	Goldstein	Legg
Attkisson	Cretul	Goodlette	Littlefield
Ausley	Culp	Gottlieb	Llorente
Barreiro	Cusack	Grant	Lopez-Cantera
Baxley	Davis, D.	Greenstein	Machek
Bean	Davis, M.	Grimsley	Mahon
Bendross-Mindingall	Dean	Harrell	Mayfield
Bense	Detert	Hasner	McInvale
Benson	Domino	Hays	Meadows
Berfield	Evers	Henriquez	Mealor
Bilirakis	Farkas	Holloway	Murzin
Bogdanoff	Fields	Homan	Needelman
Bowen	Flores	Hukill	Negron
Brown	Galvano	Jennings	Patterson
Brummer	Gannon	Johnson	Peterman

Pickens	Richardson	Sands	Stansel
Planas	Rivera	Sansom	Stargel
Poppell	Robaina	Seiler	Traviesa
Porth	Roberson	Simmons	Troutman
Proctor	Ross	Slosberg	Vana
Quinones	Rubio	Smith	Waters
Reagan	Russell	Sobel	Williams
Rice	Ryan	Sorensen	Zapata

Nays—None

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7055, with amendments, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 7055—A bill to be entitled An act relating to enterprise zones; amending s. 195.099, F.S.; reenacting a periodic review requirement; providing for future expiration; amending s. 220.03, F.S.; revising a definition; amending s. 212.08, F.S.; limiting the exemption by refund of certain taxes for rehabilitation of certain property in an enterprise zone; providing an exception; providing for retroactive application; amending s. 212.096, F.S.; revising definitions; revising an information requirement for claiming an enterprise zone jobs tax credit; amending s. 220.13, F.S.; reenacting a definitional provision; providing for future expiration of provisions relating to enterprise zone credits; amending s. 220.181, F.S.; revising certain criteria for granting an enterprise zone jobs tax credit; amending s. 290.0055, F.S.; providing a meeting notice requirement for a governing body adopting an enterprise zone boundary change resolution; providing for time-limited continuing eligibility for a building materials tax exemption for certain businesses; specifying eligibility requirements; providing for retroactive application; providing for future repeal; providing an effective date.

(Amendment Bar Code: 110078)

Senate Amendment 1 (with title amendment)—On page 14, between lines 352 and 353,

insert:

Section 8. Section 290.0072, Florida Statutes, is created to read:

290.0072 Enterprise zone designation for the City of Winter Haven.--The City of Winter Haven may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone for an area within the City of Winter Haven, which zone shall encompass on area up to 5 square miles. Notwithstanding s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated pursuant to this section.

(Redesignate subsequent sections.)

======== T I T L E A M E N D M E N T ========

And the title is amended as follows:

On page 1, line 18, after the first semicolon

insert:

creating s. 290.0072, F.S.; authorizing the City of Winter Haven to apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone; providing requirements for the area of the enterprise zone; requiring the office to establish the effective date of the enterprise zone;

(Amendment Bar Code: 152000)

Senate Amendment 2 (with title amendment)—On page 14, lines 353-383, delete those lines

======== T I T L E A M E N D M E N T ========

And the title is amended as follows:

On page 1, lines 18-22, delete those lines

and insert:

resolution; providing an effective date.

Representative(s) Jennings offered the following:

(Amendment Bar Code: 849689)

House Amendment 1 to Senate Amendment 2 (with title amendment)—On page 1, line 15, insert:

And insert:

Section 8. (1) Notwithstanding the provisions of s. 212.08(5)(g), Florida Statutes, as amended by this act, a business developing a project involving the rehabilitation of real property that has been excluded from an enterprise zone because of the redesignation requirements of s. 290.012 or s. 290.0065, Florida Statutes, shall remain eligible to apply for the building materials tax exemption under s. 212.08(5)(g), Florida Statutes, for that project through December 31, 2006, if the following requirements are met:

(a) The project must have been located in an enterprise zone on or before December 31, 2005.

(b) The project must have a duration extending beyond December 31, 2005.

(c) The project must have been excluded from the enterprise zone due to the portion of the enterprise zone in which the project is located not meeting the pervasive poverty rate requirements of s. 290.0058(2)(a) or (b), Florida Statutes.

(d) The difference between the pervasive poverty rate requirements of s. 290.0058(2)(a), Florida Statutes, and the actual poverty rate in the area in which the project is located must be 5 percentage points or less.

(e) The business must apply for a certificate of eligibility for the project with the enterprise zone development agency by September 1, 2006, and demonstrate that the project meets the requirements of this section.

(f) The enterprise zone development agency must provide a copy of the certificate of eligibility to the Department of Revenue.

(2) The provisions of this section are remedial in nature and shall apply retroactively to December 31, 2005. This section is repealed January 1, 2007.

======== T I T L E A M E N D M E N T ========

On page 1, line 24, remove all of said line, and insert:

resolution; providing for time-limited continuing eligibility for a building materials tax exemption for certain businesses; specifying eligibility requirements; providing for retroactive application; providing for future repeal; providing an effective date.

Rep. Jennings moved the adoption of the amendment to the amendment, which was adopted.

On motion by Rep. Bilirakis, the House concurred in Senate Amendment 1 and Senate Amendment 2, as amended.

The question recurred on the passage of HB 7055. The vote was:

Session Vote Sequence: 1180

Representative Smith in the Chair.

Yeas—115

Adams	Cusack	Homan	Proctor
Allen	Davis, D.	Hukill	Quinones
Altman	Davis, M.	Jennings	Reagan
Ambler	Dean	Johnson	Rice
Anderson	Detert	Jordan	Richardson
Antone	Domino	Joyner	Rivera
Arza	Evers	Kottkamp	Robaina
Attkisson	Farkas	Kravitz	Roberson
Ausley	Fields	Kreegel	Ross
Barreiro	Flores	Kyle	Rubio
Baxley	Galvano	Legg	Russell
Bean	Gannon	Littlefield	Ryan
Bendross-Mindingall	Garcia	Llorente	Sands
Benson	Gardiner	Lopez-Cantera	Sansom
Berfield	Gelber	Machek	Seiler
Bilirakis	Gibson, A.	Mahon	Simmons
Bogdanoff	Gibson, H.	Mayfield	Slosberg
Bowen	Glorioso	McInvale	Smith
Brown	Goldstein	Meadows	Sobel
Brummer	Goodlette	Mealor	Sorensen
Brutus	Gottlieb	Murzin	Stansel
Bucher	Grant	Needelman	Stargel
Bullard	Greenstein	Negron	Traviesa
Cannon	Grimsley	Patterson	Troutman
Carroll	Harrell	Peterman	Vana
Clarke	Hasner	Pickens	Waters
Coley	Hays	Planas	Williams
Cretul	Henriquez	Poppell	Zapata
Culp	Holloway	Porth	

Nays—None

So the bill passed, as amended. The action, together with the bill and the amendments thereto, was immediately certified to the Senate.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 121, with amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 121—A bill to be entitled An act relating to transportation facility designations; designating Osun's Village and African Caribbean Cultural Arts Corridor in Miami-Dade County; designating Burl Marler Walkway in Okaloosa County; designating Dr. Phillip A. Payne Bridge in Escambia County; designating Carlos C. Lopez-Aguiar Way, Reverend Samuel Atchison Boulevard, Toussaint L'Ouverture Boulevard, Reverend Gerard Jean-Juste Boulevard, and the Adam Leigh Cann Building in Miami-Dade County; repealing s. 6, ch. 2003-296, Laws of Florida, relating to a prior designation of Toussaint L'Ouverture Boulevard; A.B. Martin Street, and designating Senator N. Ray Carroll Memorial Interchange in Osceola County; directing the Department of Transportation to erect suitable markers; providing an effective date.

(Amendment Bar Code: 761332)

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause

and insert:

Section 1. Osun's Village designated; Department of Transportation to erect suitable markers.--

(1) That portion of N.W. 7th Avenue between N.W. 54th Street and N.W. 60th Street in Miami-Dade County is designated as "Osun's Village."

(2) The Department of Transportation is directed to erect suitable markers designating Osun's Village as described in subsection (1).

Section 2. African Caribbean Cultural Arts Corridor designated; Department of Transportation to erect suitable markers.--

(1) That portion of N.W. 7th Avenue between N.W. 36th Street and N.W. 79th Street in Miami-Dade County is designated as "African Caribbean Cultural Arts Corridor."

(2) The Department of Transportation is directed to erect suitable markers designating African Caribbean Cultural Arts Corridor as described in subsection (1).

Section 3. Burl Marler Walkway designated; Department of Transportation to erect suitable markers.--

(1) The pedestrian overpass on John Sims Parkway in the City of Niceville in Okaloosa County is designated as "Burl Marler Walkway."

(2) The Department of Transportation is directed to erect suitable markers designating Burl Marler Walkway as described in subsection (1).

Section 4. Dr. Phillip A. Payne Bridge designated; Department of Transportation to erect suitable markers.--

(1) The Cervantes Street Bridge on U.S. Highway 90 over Bayou Texar in the City of Pensacola in Escambia County is designated as "Dr. Phillip A. Payne Bridge."

(2) The Department of Transportation is directed to erect suitable markers designating Dr. Phillip A. Payne Bridge as described in subsection (1).

Section 5. Carlos C. Lopez-Aguiar Way designated; Department of Transportation to erect suitable markers.--

(1) That portion of S.W. 1st Street between 8th Avenue and 12th Avenue in Miami-Dade County is designated as "Carlos C. Lopez-Aguiar Way."

(2) The Department of Transportation is directed to erect suitable markers designating Carlos C. Lopez-Aguiar Way as described in subsection (1).

Section 6. Reverend Samuel Atchison Boulevard designated; Department of Transportation to erect suitable markers.--

(1) That portion of N.W. 7th Avenue between N.W. 62nd Street and N.W. 95th Street in Miami-Dade County is designated as "Reverend Samuel Atchison Boulevard."

(2) The Department of Transportation is directed to erect suitable markers designating Reverend Samuel Atchison Boulevard as described in subsection (1).

Section 7. Adam Leigh Cann Building designated; Department of Transportation to erect suitable markers.--

(1) That portion of the Department of Transportation District Six Headquarters commonly known as the Main Building, which is located at 1000 N.W. 111th Avenue in the City of Miami, is designated as the "Adam Leigh Cann Building."

(2) The Department of Transportation is directed to erect suitable markers designating the Adam Leigh Cann Building as described in subsection (1).

Section 8. Senator N. Ray Carroll Memorial Interchange designated; Department of Transportation to erect suitable markers.--

(1) The Florida Turnpike interchange being constructed at Milepost 240 and Kissimmee Park Road in Osceola County is designated as "Senator N. Ray Carroll Memorial Interchange."

(2) The Department of Transportation is directed to erect suitable markers designating Senator N. Ray Carroll Memorial Interchange as described in subsection (1).

Section 9. Toussaint L'Ouverture Boulevard designated; Department of Transportation to erect suitable markers; repeal of prior designation.--

(1) That portion of State Road 944 on N.W. 54th Street between U.S. Highway 1 and N.E. 2nd Avenue in Miami-Dade County is designated as "Toussaint L'Ouverture Boulevard."

(2) The Department of Transportation is directed to erect suitable markers designating Toussaint L'Ouverture Boulevard as described in subsection (1).

(3) Section 6 of chapter 2003-296, Laws of Florida, is repealed.

Section 10. A.B. Martin Street designated; Department of Transportation to erect suitable markers.--

(1) That portion of N.W. 135th Street between N.W. 27th Avenue and N.W. 37th Avenue in Miami-Dade County is designated as "A.B. Martin Street."

(2) The Department of Transportation is directed to erect suitable markers designating A.B. Martin Street as described in subsection (1).

Section 11. Leighton Lee Baker Memorial Highway designated; Department of Transportation to erect suitable markers.--

(1) That portion of Old U.S. Highway 441 between David Walker Drive and Eudora Road in Lake County is designated as "Leighton Lee Baker Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Leighton Lee Baker Memorial Highway as described in subsection (1).

Section 12. Trinchitella Boulevard designated; Department of Transportation to erect suitable markers.--

(1) That portion of S.W. 10th Street between F.A.U. Research Park Boulevard and the Sawgrass Expressway in the City of Deerfield Beach in Broward County is designated as "Trinchitella Boulevard."

(2) The Department of Transportation is directed to erect suitable markers designating Trinchitella Boulevard as described in subsection (1).

Section 13. John Van Waters Memorial Highway designated; Department of Transportation to erect suitable markers.--

(1) That portion of State Road 35 from County Road 35A north to the Pasco County line in Pasco County is designated as "John Van Waters Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating John Van Waters Memorial Highway as described in subsection (1).

Section 14. Emilio Ochoa Boulevard designated; Department of Transportation to erect suitable markers.--

(1) That portion of Calle Ocho (S.W. 8th Street) between S.W. 87th Avenue and S.W. 97th Avenue in Miami-Dade County is designated as "Emilio Ochoa Boulevard."

(2) The Department of Transportation is directed to erect suitable markers designating Emilio Ochoa Boulevard as described in subsection (1).

Section 15. Eddie Mae Steward Avenue designated; Department of Transportation to erect suitable markers.--

(1) That portion of Main Street between West 6th Street and West 8th Street in Duval County is designated as "Eddie Mae Steward Avenue."

(2) The Department of Transportation is directed to erect suitable markers designating Eddie Mae Steward Avenue as described in subsection (1).

Section 16. Mary L. Austin Jones Avenue designated; Department of Transportation to erect suitable markers.--

(1) That portion of Main Street between West 37th Street and West 46th Street in Duval County is designated as "Mary L. Austin Jones Avenue."

(2) The Department of Transportation is directed to erect suitable markers designating Mary L. Austin Jones Avenue as described in subsection (1).

Section 17. Flossie Brunson Avenue designated; Department of Transportation to erect suitable markers.--

(1) That portion of Main Street between West 8th Street and West 18th Street in Duval County is designated as "Flossie Brunson Avenue."

(2) The Department of Transportation is directed to erect suitable markers designating Flossie Brunson Avenue as described in subsection (1).

Section 18. Robert L. Brown, Sr., Highway designated; Department of Transportation to erect suitable markers.--

(1) That portion of U.S. Highway 1 between Finch Avenue and Trout River Boulevard in Duval County is designated as "Robert L. Brown, Sr., Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Robert L. Brown, Sr., Highway as described in subsection (1).

Section 19. Barbara Van Blake Parkway designated; Department of Transportation to erect suitable markers.--

(1) That portion of Lem Turner Road between Interstate 95 and Edgewood Avenue in Duval County is designated as "Barbara Van Blake Parkway."

(2) The Department of Transportation is directed to erect suitable markers designating Barbara Van Blake Parkway as described in subsection (1).

Section 20. MaVynne "The Beach Lady" Betsch Highway designated; Department of Transportation to erect suitable markers.--

(1) That portion of Florida First Coast Highway beginning at Burney Road and continuing north through the 5500 block of Florida First Coast Highway in Nassau County is designated as "MaVynne 'The Beach Lady' Betsch Highway."

(2) The Department of Transportation is directed to erect suitable markers designating MaVynne "The Beach Lady" Betsch Highway as described in subsection (1).

Section 21. Brian D. Little Road designated; Department of Transportation to erect suitable markers.--

(1) That portion of State Road 188 between State Road 189 and State Road 85 in Okaloosa County is designated as "Brian D. Little Road."

(2) The Department of Transportation is directed to erect suitable markers designating Brian D. Little Road as described in subsection (1).

Section 22. John Land Apopka Expressway designated; Department of Transportation to erect suitable markers.--

(1) That portion of State Road 414 known as Maitland Boulevard that extends west from U.S. Highway 441 to the City of Apopka before heading north to U.S. Highway 441 near County Road 437, which is commonly known as Maitland Boulevard Extension, is designated as "John Land Apopka Expressway."

(2) The Department of Transportation is directed to erect suitable markers designating John Land Apopka Expressway as described in subsection (1).

Section 23. George C. Means Memorial Bridge designated; Department of Transportation to erect suitable markers.--

(1) The replacement bridge over Lake Jesup on State Road 46 near Sanford designated as the "George C. Means Memorial Bridge."

(2) The Department of Transportation is directed to erect suitable markers designating the George C. Means Memorial Bridge as described in subsection (1).

Section 24. Patrick D. Smith Causeway designated; Department of Transportation to erect suitable markers.--

(1) The portion of State Road 520 in Brevard County which is between mile post 13.2 and mile post 15.3 and lies approximately between the West Banana River and Cape Canaveral Hospital is designated as the "Patrick D. Smith Causeway."

(2) The Department of Transportation is directed to erect suitable markers designating the Patrick D. Smith Causeway as described in subsection (1).

Section 25. Charles M. Parker Bridge designated; Department of Transportation to erect suitable markers.--

(1) The Canal Park Bridge on U.S. Highway 98 in the City of Mexico Beach in Bay County is designated as the "Charles M. Parker Bridge."

(2) The Department of Transportation is directed to erect suitable markers designating the Charles M. Parker Bridge as described in subsection (1).

Section 26. Rosa Parks Memorial Highway designated; Department of Transportation to erect suitable markers.--

(1) That portion of U.S. Highway 301 from State Road 40 in Marion County through the City of Waldo in Alachua County is designated as "Rosa Parks Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Rosa Parks Memorial Highway as described in subsection (1).

Section 27. Veterans Memorial Parkway designated; Department of Transportation to erect suitable markers.--

(1) That portion of U.S. 41 in the City of Jasper in Hamilton County from its intersection with U.S. 129 to the southern city limit is designated as "Veterans Memorial Parkway."

(2) The Department of Transportation is directed to erect suitable markers designating Veterans Memorial Parkway as described in subsection (1).

Section 28. Austin Dewey Gay Memorial Agricultural Inspection Station designated; Department of Agriculture and Consumer Services to erect suitable markers.--

(1) The inspection station of the Department of Agriculture and Consumer Services which is located at the 1-mile marker on Interstate Highway 10 in Escambia County is designated as the "Austin Dewey Gay Memorial Agricultural Inspection Station."

(2) The Department of Agriculture and Consumer Services is directed to erect suitable markers designating the Austin Dewey Gay Memorial Agricultural Inspection Station as described in subsection (1).

Section 29. This act shall take effect July 1, 2006.

========== T I T L E A M E N D M E N T ==========

Delete everything before the enacting clause

and insert:

A bill to be entitled

An act relating to transportation facility designations; designating Osun's Village and African Caribbean Cultural Arts Corridor in Miami-Dade County; designating Burl Marler Walkway in Okaloosa County; designating Dr. Phillip A. Payne Bridge in Escambia County; designating Carlos C. Lopez-Aguiar Way, Reverend Samuel Atchison Boulevard, Toussaint L'Ouverture Boulevard, and the Adam Leigh Cann Building in Miami-Dade County; repealing s. 6, ch. 2003-296, Laws of Florida, relating to a prior designation of Toussaint L'Ouverture Boulevard; designating A.B. Martin Street in Miami-Dade County; designating Senator N. Ray Carroll Memorial Interchange in Osceola County; designating Leighton Lee Baker Memorial Highway in Lake County; designating Trinchitella Boulevard in Broward County; designating John Van Waters Memorial Highway in Pasco County; designating Emilio Ochoa Boulevard in Miami-Dade County; designating Eddie Mae Steward Avenue, Mary L. Austin Jones Avenue, Flossie Brunson Avenue, Robert L. Brown, Sr., Highway, and Barbara Van Blake Parkway in Duval County; designating MaVynne "The Beach Lady" Betsch Highway in Nassau County; designating Brian D. Little Road in Okaloosa County; designating John Land Apopka Expressway in Orange County; designating the replacement bridge over Lake Jesup on State Road 46 near Sanford as the "George C. Means Memorial Bridge"; designating a portion of State Road 520 in Brevard County as the "Patrick D. Smith Causeway"; designating the Charles M. Parker Bridge in Bay County; designating Rosa Parks Memorial Highway in Alachua and Marion Counties; designating Veterans Memorial Parkway in Hamilton County; directing the Department of Transportation to erect suitable markers; designating the Austin Dewey Gay Memorial Agricultural Inspection Station in Escambia County; directing the Department of Agriculture and Consumer Services to erect markers; providing an effective date.

On motion by Rep. Bendross-Mindingall, the House concurred in Senate Amendment 1.

The question recurred on the passage of HB 121. The vote was:

Session Vote Sequence: 1181

Representative Smith in the Chair.

Yeas—116

Adams	Cretul	Hays	Pickens
Allen	Culp	Henriquez	Planas
Altman	Cusack	Holloway	Poppell
Ambler	Davis, D.	Homan	Porth
Anderson	Davis, M.	Hukill	Proctor
Antone	Dean	Jennings	Quinones
Arza	Detert	Johnson	Reagan
Attkisson	Domino	Jordan	Rice
Ausley	Evers	Joyner	Richardson
Barreiro	Farkas	Kottkamp	Rivera
Baxley	Fields	Kravitz	Robaina
Bean	Flores	Kreegel	Roberson
Bendross-Mindingall	Galvano	Kyle	Ross
Bense	Gannon	Legg	Rubio
Benson	Garcia	Littlefield	Russell
Berfield	Gardiner	Llorente	Ryan
Bilirakis	Gelber	Lopez-Cantera	Sands
Bogdanoff	Gibson, A.	Machek	Sansom
Bowen	Gibson, H.	Mahon	Seiler
Brown	Glorioso	Mayfield	Simmons
Brummer	Goldstein	McInvale	Slosberg
Brutus	Goodlette	Meadows	Smith
Bucher	Gottlieb	Mealor	Sobel
Bullard	Grant	Murzin	Sorensen
Cannon	Greenstein	Needelman	Stansel
Carroll	Grimsley	Negron	Stargel
Clarke	Harrell	Patterson	Traviesa
Coley	Hasner	Peterman	Troutman
Vana	Waters	Williams	Zapata

Nays—None

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HJR 631, with amendment, by the required Constitutional three-fifths vote of the members of the Senate and requests the concurrence of the House.

Faye W. Blanton, Secretary

HJR 631—A joint resolution proposing an amendment to Section 6 of Article VII of the State Constitution, relating to homestead exemptions from ad valorem taxation, to provide a discount from the amount of ad valorem taxation levied on the homestead of a World War II veteran who meets specified criteria.

(Amendment Bar Code: 491192)

Senate Amendment 1 (with title amendment)—On lines 81 through 113, delete those lines

and insert:

(g) Each veteran who is age 65 or older who is partially or totally permanently disabled shall receive a discount from the amount of the ad valorem tax otherwise owed on homestead property the veteran owns and resides in if the disability was combat related, the veteran was a resident of this state at the time of entering the military service of the United States, and the veteran was honorably discharged upon separation from military service. The discount shall be in a percentage equal to the percentage of the veteran's permanent, service-connected disability as determined by the United States Department of Veterans Affairs. To qualify for the discount granted by this subsection, an applicant must submit to the county property appraiser, by March 1, proof of residency at the time of entering military service, an official letter from the United States Department of Veterans Affairs stating the percentage of the veteran's service-connected disability and such evidence that reasonably identifies the disability as combat related, and a copy of the veteran's honorable discharge. If the property appraiser denies the request for a discount, the appraiser must notify the applicant in writing of the reasons for the denial, and the veteran may reapply. The Legislature may, by general law, waive the annual application requirement in subsequent years. This subsection shall take effect December 7, 2006, is self-executing, and does not require implementing legislation.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT
ARTICLE VII, SECTION 6

PERMANENTLY DISABLED VETERANS' DISCOUNT ON HOMESTEAD AD VALOREM TAX.--Proposing an amendment to the State Constitution to provide a discount from the amount of ad valorem tax on the homestead of a partially or totally permanently disabled veteran who is age 65 or older who was a Florida resident at

======== T I T L E A M E N D M E N T ========

On page 1, line 6, delete that line

and insert:
on the homestead of a veteran who meets

On motion by Rep. Sansom, the House concurred in Senate Amendment 1.

The question recurred on the passage of HJR 631, which now reads as follows:

HJR 631—A joint resolution proposing an amendment to Section 6 of Article VII of the State Constitution, relating to homestead exemptions from ad valorem taxation, to provide a discount from the amount of ad valorem taxation levied on the homestead of a veteran who meets specified criteria.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment to Section 6 of Article VII of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE VII

FINANCE AND TAXATION

SECTION 6. Homestead exemptions.--

(a) Every person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, or another legally or naturally dependent upon the owner, shall be exempt from taxation thereon, except assessments for special benefits, up to the assessed valuation of five thousand dollars, upon establishment of right thereto in the manner prescribed by law. The real estate may be held by legal or equitable title, by the entireties, jointly, in common, as a condominium, or indirectly by stock ownership or membership representing the owner's or member's proprietary interest in a corporation owning a fee or a leasehold initially in excess of ninety-eight years.

(b) Not more than one exemption shall be allowed any individual or family unit or with respect to any residential unit. No exemption shall exceed the value of the real estate assessable to the owner or, in case of ownership through stock or membership in a corporation, the value of the proportion which the interest in the corporation bears to the assessed value of the property.

(c) By general law and subject to conditions specified therein, the exemption shall be increased to a total of twenty-five thousand dollars of the assessed value of the real estate for each school district levy. By general law and subject to conditions specified therein, the exemption for all other levies may be increased up to an amount not exceeding ten thousand dollars of the assessed value of the real estate if the owner has attained age sixty-five or is totally and permanently disabled and if the owner is not entitled to the exemption provided in subsection (d).

(d) By general law and subject to conditions specified therein, the exemption shall be increased to a total of the following amounts of assessed value of real estate for each levy other than those of school districts: fifteen thousand dollars with respect to 1980 assessments; twenty thousand dollars with respect to 1981 assessments; twenty-five thousand dollars with respect to assessments for 1982 and each year thereafter. However, such increase shall not apply with respect to any assessment roll until such roll is first determined to be in compliance with the provisions of section 4 by a state agency designated by general law. This subsection shall stand repealed on the effective date of any amendment to section 4 which provides for the assessment of homestead property at a specified percentage of its just value.

(e) By general law and subject to conditions specified therein, the Legislature may provide to renters, who are permanent residents, ad valorem tax relief on all ad valorem tax levies. Such ad valorem tax relief shall be in the form and amount established by general law.

(f) The legislature may, by general law, allow counties or municipalities, for the purpose of their respective tax levies and subject to the provisions of general law, to grant an additional homestead tax exemption not exceeding twenty-five thousand dollars to any person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner and who has attained age sixty-five and whose household income, as defined by general law, does not exceed twenty thousand dollars. The general law must allow counties and municipalities to grant this additional exemption, within the limits prescribed in this subsection, by ordinance adopted in the manner prescribed by general law, and must provide for the periodic adjustment of the income limitation prescribed in this subsection for changes in the cost of living.

(g) Each veteran who is age 65 or older who is partially or totally permanently disabled shall receive a discount from the amount of the ad valorem tax otherwise owed on homestead property the veteran owns and resides in if the disability was combat related, the veteran was a resident of this state at the time of entering the military service of the United States, and the veteran was honorably discharged upon separation from military service. The discount shall be in a percentage equal to the percentage of the veteran's permanent, service-connected disability as determined by the United States Department of Veterans Affairs. To qualify for the discount granted by this subsection, an applicant must submit to the county property appraiser, by March 1, proof of residency at the time of entering military service, an official letter from the United States Department of Veterans Affairs stating the percentage of the veteran's service-connected disability and such evidence that reasonably identifies the disability as combat related, and a copy of the veteran's honorable discharge. If the property appraiser denies the request for a discount, the appraiser must notify the applicant in writing of the reasons for the denial, and the veteran may reapply. The Legislature may, by general law, waive the annual application requirement in subsequent years. This subsection shall take effect December 7, 2006, is self-executing, and does not require implementing legislation.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE VII, SECTION 6

PERMANENTLY DISABLED VETERANS' DISCOUNT ON HOMESTEAD AD VALOREM TAX.--Proposing an amendment to the State Constitution to provide a discount from the amount of ad valorem tax on the homestead of a partially or totally permanently disabled veteran who is age 65 or older who was a Florida resident at the time of entering military service, whose disability was combat-related, and who was honorably discharged; to specify the percentage of the discount as equal to the percentage of the veteran's permanent service-connected disability; to specify qualification requirements for the discount; to authorize the Legislature to waive the annual application requirement in subsequent years by general law; and to specify that the provision takes effect December 7, 2006, is self-executing, and does not require implementing legislation.

On passage, the vote was:

Session Vote Sequence: 1182

Representative Smith in the Chair.

Yeas—116

Adams	Carroll	Gottlieb	Mayfield
Allen	Clarke	Grant	McInvale
Altman	Coley	Greenstein	Meadows
Ambler	Cretul	Grimsley	Mealor
Anderson	Culp	Harrell	Murzin
Antone	Cusack	Hasner	Needelman
Arza	Davis, D.	Hays	Negron
Attkisson	Davis, M.	Henriquez	Patterson
Ausley	Dean	Holloway	Peterman
Barreiro	Detert	Homan	Pickens
Baxley	Domino	Hukill	Planas
Bean	Evers	Jennings	Poppell
Bendross-Mindingall	Farkas	Johnson	Porth
Bense	Fields	Jordan	Proctor
Benson	Flores	Joyner	Quinones
Berfield	Galvano	Kottkamp	Reagan
Bilirakis	Gannon	Kravitz	Rice
Bogdanoff	Garcia	Kreegel	Richardson
Bowen	Gardiner	Kyle	Rivera
Brown	Gelber	Legg	Robaina
Brummer	Gibson, A.	Littlefield	Roberson
Brutus	Gibson, H.	Llorente	Ross
Bucher	Glorioso	Lopez-Cantera	Rubio
Bullard	Goldstein	Machek	Russell
Cannon	Goodlette	Mahon	Ryan

Sands	Slosberg	Stansel	Vana
Sansom	Smith	Stargel	Waters
Seiler	Sobel	Traviesa	Williams
Simmons	Sorensen	Troutman	Zapata

Nays—None

So the joint resolution passed, as amended by the Senate amendment, by the required constitutional three-fifths vote of the membership. The action, together with the joint resolution and amendments thereto, was immediately certified to the Senate and the joint resolution was ordered enrolled after engrossment.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7075, with amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 7075—A bill to be entitled An act relating to agriculture; amending s. 403.067, F.S.; clarifying rulemaking authority relating to pollution reduction; granting presumption of compliance with water quality standards for certain research; releasing certain research from penalties relating to the discharge of pollutants; limiting eligibility for presumption of compliance and release; amending s. 482.021, F.S.; revising the definitions of the terms "employee" and "independent contractor" for purposes of pest control regulation; amending s. 482.051, F.S.; revising certain requirements of the department to adopt rules relating to the use of pesticides for preventing subterranean termites in new construction; amending s. 482.091, F.S.; clarifying provisions governing the performance of pest control services; amending s. 482.156, F.S.; requiring certification of individual commercial landscape maintenance personnel; revising the types of materials such personnel may use; removing obsolete provisions relating to fees; revising requirements relating to proof of education and insurance; revising the amount of required continuing education; removing a requirement for certain business experience; amending s. 482.211, F.S.; clarifying exemption of certain mosquito control activities from regulation; amending s. 500.033, F.S.; renaming the Florida Food Safety and Food Security Advisory Council as the Florida Food Safety and Food Defense Advisory Council and revising duties accordingly; amending s. 500.12, F.S.; providing an exemption from certain food inspections by the department; amending s. 570.249, F.S.; expanding the conditions under which loan funds to certain agricultural producers may be granted; increasing the amount of funds that may be granted; defining "losses" and "essential physical property"; creating s. 570.954, F.S.; authorizing the department, in consultation with the state energy office within the Department of Environmental Protection, to develop a farm-to-fuel initiative; providing purposes of the initiative; providing for a statewide information and education program; amending s. 582.06, F.S.; revising the membership of the Soil and Water Conservation Council; amending s. 810.09, F.S.; providing criminal penalties for trespassing on certain property; requiring warning signage; amending s. 810.011, F.S.; defining "agricultural chemicals manufacturing facility"; amending s. 828.30, F.S.; updating references to the Rabies Vaccination Certificate; designating the Austin Dewey Gay Memorial Agricultural Inspection Station in Escambia County; directing the department to erect suitable markers; prohibiting any person from remaining on certain property or in certain structures for commercial purposes under certain circumstances; prohibiting a person from lawfully remaining on any property or in any structure under certain circumstances; providing for certain ad valorem taxation for agriculture equipment under certain circumstances; providing effective dates.

(Amendment Bar Code: 231462)

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsections (7) and (12) of section 482.021, Florida Statutes, are amended to read:

482.021 Definitions.--For the purposes of this chapter, and unless otherwise required by the context, the term:

(7) "Employee" means a person who is employed by a licensee that provides that person with necessary training, supervision, pesticides, equipment, and insurance and who receives compensation from and is under the personal supervision and direct control of the licensee's certified operator in charge and ~~licensee~~ from whose ~~which~~ compensation ~~of~~ the licensee regularly deducts and matches federal insurance contributions and federal income and Social Security taxes.

(12) "Independent contractor" means an entity separate from the licensee that:

(a) Receives moneys from a customer which are deposited in a bank account other than that of the licensee;

(b) Owns or supplies its own service vehicle, equipment, and pesticides; ~~or~~

(c) Maintains a business operation, office, or support staff independent of the licensee's direct control;

(d) Pays its own operating expenses such as fuel, equipment, pesticides, and materials; or

(e)~~(c)~~ Pays its own workers' ~~worker's~~ compensation as an independent contractor.

Section 2. Subsection (5) of section 482.051, Florida Statutes, is amended to read:

482.051 Rules.--The department has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter. Prior to proposing the adoption of a rule, the department shall counsel with members of the pest control industry concerning the proposed rule. The department shall adopt rules for the protection of the health, safety, and welfare of pest control employees and the general public which require:

(5) That any pesticide used as the primary preventive treatment for ~~preconstruction treatments for the prevention of~~ subterranean termites in new construction be applied in the amount, concentration, and treatment area in accordance with the label; that a copy of the label of the registered pesticide being applied be carried in a vehicle at the site where the pesticide is being applied; and that the licensee maintain for 3 years the record of each preconstruction treatment, indicating the date of treatment, the location or address of the property treated, the total square footage of the structure treated, the type of pesticide applied, the concentration of each substance in the mixture applied, and the total amount of pesticide applied.

Section 3. Paragraph (a) of subsection (2) of section 482.091, Florida Statutes, is amended to read:

482.091 Employee identification cards.--

(2)(a) An identification cardholder must be an employee of the licensee and work under the direction and supervision of the licensee's certified operator in charge and shall ~~may~~ not be an independent contractor. An identification cardholder shall operate ~~may perform~~ only ~~pest control services~~ out of, and ~~or~~ for customers assigned ~~arising~~ from, the licensee's licensed business location. An identification cardholder shall ~~may~~ not perform any pest control independently of and without the knowledge of the licensee and the licensee's certified operator in charge and shall ~~may~~ perform pest control only for the licensee's customers.

Section 4. Subsections (1), (2), and (3) of section 482.156, Florida Statutes, are amended to read:

482.156 Limited certification for commercial landscape maintenance personnel.--

(1) The department shall establish a limited certification category for individual commercial landscape maintenance personnel to authorize them to apply herbicides for controlling weeds in plant beds and to perform integrated pest management on ornamental plants using ~~the following materials:~~ insecticides and fungicides having the signal word "caution" but not having the word "warning" or "danger" on the label~~, insecticidal soaps, horticultural oils, and bacillus thuringiensis formulations~~. The application equipment that may be used by a person certified pursuant to this section is limited to portable, handheld 3-gallon compressed air sprayers or backpack sprayers having no more than a 5-gallon capacity and does not include power equipment.

(2)(a) A person seeking limited certification under this section must pass an examination given by the department. Each application for examination must be accompanied by an examination fee set by rule of the department, in an amount of not more than $150 or less than $50~~; however, until a rule setting this fee is adopted by the department, the examination fee is $50~~. Prior to the department's issuing a limited certification under this section, each person applying ~~making application~~ for the certification ~~under this section~~ must furnish proof of having a certificate of insurance which states that the employer meets the requirements for minimum financial responsibility for bodily injury and property damage required by s. 482.071(4).

(b) To be eligible to take the examination, an applicant must have completed 6 ~~8~~ classroom hours of plant bed and ornamental continuing education training approved by the department and provide sufficient proof, according to criteria established by department rule~~, that the applicant has been in the landscape maintenance business for at least 3 years~~.

~~(b)~~ The department shall provide the appropriate reference materials for the examination and make the examination readily accessible and available to applicants at least quarterly or as necessary in each county.

(3) An application for recertification under this section must be made annually and be accompanied by a recertification fee set by rule of the department, in an amount of not more than $75 or less than $25~~; however, until a rule setting this fee is adopted by the department, the fee for recertification is $25~~. The application must also be accompanied by proof of having completed 4 classroom hours of acceptable continuing education and the same proof of having a certificate of insurance as is required for issuance of this ~~initial~~ certification. After a grace period not exceeding 30 calendar days following the annual date that recertification is due, a late renewal charge of $50 shall be assessed and must be paid in addition to the renewal fee. Unless timely recertified, a certificate automatically expires 180 calendar days after the anniversary recertification date. Subsequent to such expiration, a certificate may be issued only upon successful reexamination and upon payment of the examination fees due.

Section 5. Subsection (7) of section 482.211, Florida Statutes, is amended to read:

482.211 Exemptions.--This chapter does not apply to:

(7) ~~Area~~ Mosquito control activities conducted by a local government or district established under chapter 388 or by special act or by a contractor of the local government or district.

Section 6. Section 500.033, Florida Statutes, is amended to read:

500.033 Florida Food Safety and Food Defense ~~Security~~ Advisory Council.--

(1) There is created the Florida Food Safety and Food Defense ~~Security~~ Advisory Council for the purpose of serving as a forum for presenting, investigating, and evaluating issues of current importance to the assurance of a safe and secure food supply to the citizens of Florida. The Florida Food Safety and Food Defense ~~Security~~ Advisory Council shall consist of, but not be limited to: the Commissioner of Agriculture or his or her designee; the Secretary of Health or his or her designee; the Secretary of Business and Professional Regulation or his or her designee; the person responsible for domestic security with the ~~Florida~~ Department of Law Enforcement; members representing the production, processing, distribution, and sale of foods; consumers or ~~and/or~~ members of citizens groups; representatives of ~~or~~ food industry groups; scientists or other experts in aspects of food safety from state universities; representatives from local, state, and federal agencies that are charged with responsibilities for food safety or food defense ~~security~~; the chairs of the Agriculture Committees of the Senate and the House of Representatives or their designees; and the chairs of the committees of the Senate and the House of Representatives with jurisdictional oversight of home defense issues or their designees. The Commissioner of Agriculture shall appoint the remaining members. The council shall make periodic reports to the Department of Agriculture and Consumer Services concerning findings and recommendations in the area of food safety and food defense ~~security~~.

(2) The council shall consider the development of appropriate advice or recommendations on food safety or food defense ~~security~~ issues. In the discharge of their duties, the council members may receive for review confidential data exempt from the provisions of s. 119.07(1); however, it is unlawful for any member of the council to use the data for his or her advantage or reveal the data to the general public.

Section 7. Section 570.954, Florida Statutes, is created to read:

570.954 Farm-to-fuel initiative.--

(1) The department may develop a farm-to-fuel initiative to enhance the market for and promote the production and distribution of renewable energy from Florida-grown crops, agricultural wastes and residues, and other biomass and to enhance the value of agricultural products or expand agribusiness in the state.

(2) The department may conduct a statewide comprehensive information and education program aimed at educating the general public about the benefits of renewable energy and the use of alternative fuels.

(3) The department shall coordinate with and solicit the expertise of the state energy office within the Department of Environmental Protection when developing and implementing this initiative.

Section 8. Paragraphs (b) and (c) of subsection (1) of section 582.06, Florida Statutes, are amended to read:

582.06 Soil and Water Conservation Council; powers and duties.--

(1) COMPOSITION.--The Soil and Water Conservation Council is created in the Department of Agriculture and Consumer Services and shall be composed of 23 members as follows:

(b) Twelve ~~nonvoting ex officio~~ members shall include one representative each from the Department of Environmental Protection, the five water management districts, the Institute of Food and Agricultural Sciences at the University of Florida, the United States Department of Agriculture Natural Resources Conservation Service, the Florida Association of Counties, and the Florida League of Cities~~,~~ and two representatives of environmental interests.

(c) All members shall be appointed by the commissioner. ~~Ex officio~~ Members appointed pursuant to paragraph (b) shall be appointed by the commissioner from recommendations provided by the organization or interest represented.

Section 9. Subsection (3) of section 828.30, Florida Statutes, is amended to read:

828.30 Rabies vaccination of dogs, cats, and ferrets.--

(3) Upon vaccination against rabies, the licensed veterinarian shall provide the animal's owner and the animal control authority with a rabies vaccination certificate. Each animal control authority and veterinarian shall use the ~~Form 51,~~ "Rabies Vaccination Certificate~~,~~" of the National Association of State Public Health Veterinarians (NASPHV) or an equivalent form approved by the local government that contains all the information required by the NASPHV Rabies Vaccination Certificate ~~Form 51~~. The veterinarian who administers the rabies vaccine to an animal as required under this section may affix his or her signature stamp in lieu of an actual signature.

Section 10. Paragraph (c) of subsection (7) and subsection (11) of section 403.067, Florida Statutes, are amended to read:

403.067 Establishment and implementation of total maximum daily loads.--

(7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.--

(c) Best management practices.--

1. The department, in cooperation with the water management districts and other interested parties, as appropriate, may develop suitable interim measures, best management practices, or other measures necessary to achieve the level of pollution reduction established by the department for nonagricultural nonpoint pollutant sources in allocations developed pursuant to subsection (6) and this subsection. These practices and measures may be adopted by rule by the department and the water management districts pursuant to ss. 120.536(1) and 120.54, and, where adopted by rule, shall be implemented by those parties responsible for nonagricultural nonpoint source pollution.

2. The Department of Agriculture and Consumer Services may develop and adopt by rule pursuant to ss. 120.536(1) and 120.54 suitable interim measures, best management practices, or other measures necessary to achieve the level of pollution reduction established by the department for agricultural pollutant sources in allocations developed pursuant to subsection (6) and this subsection or for programs implemented pursuant to paragraph (11)(b). These practices and measures may be implemented by those parties responsible for agricultural pollutant sources and the department, the water management

districts, and the Department of Agriculture and Consumer Services shall assist with implementation. In the process of developing and adopting rules for interim measures, best management practices, or other measures, the Department of Agriculture and Consumer Services shall consult with the department, the Department of Health, the water management districts, representatives from affected farming groups, and environmental group representatives. Such rules shall also incorporate provisions for a notice of intent to implement the practices and a system to assure the implementation of the practices, including recordkeeping requirements.

3. Where interim measures, best management practices, or other measures are adopted by rule, the effectiveness of such practices in achieving the levels of pollution reduction established in allocations developed by the department pursuant to subsection (6) and this subsection or in programs implemented pursuant to paragraph (11)(b) shall be verified at representative sites by the department. The department shall use best professional judgment in making the initial verification that the best management practices are reasonably expected to be effective and, where applicable, shall notify the appropriate water management district or ~~and~~ the Department of Agriculture and Consumer Services of its initial verification prior to the adoption of a rule proposed pursuant to this paragraph. Implementation, in accordance with rules adopted under this paragraph, of practices that have been initially verified to be effective, or verified to be effective by monitoring at representative sites, by the department, shall provide a presumption of compliance with state water quality standards and release from the provisions of s. 376.307(5) for those pollutants addressed by the practices, and the department is not authorized to institute proceedings against the owner of the source of pollution to recover costs or damages associated with the contamination of surface water or groundwater caused by those pollutants. Research projects funded by the department, a water management district, or the Department of Agriculture and Consumer Services to develop or demonstrate interim measures or best management practices shall be granted a presumption of compliance with state water quality standards and a release from the provisions of s. 376.307(5). The presumption of compliance and release shall be limited to the research site and only for those pollutants addressed by the interim measures or best management practices. Eligibility for the presumption of compliance and release shall be limited to research projects on sites where the owner or operator of the research site and the department, a water management district, or the Department of Agriculture and Consumer Services have entered into a contract or other agreement that, at a minimum, specifies the research objectives, the cost-share responsibilities of the parties, and a schedule that details the beginning and ending dates of the project.

4. Where water quality problems are demonstrated, despite the appropriate implementation, operation, and maintenance of best management practices and other measures according to rules adopted under this paragraph, the department, a water management district, or the Department of Agriculture and Consumer Services, in consultation with the department, shall institute a reevaluation of the best management practice or other measure. Should the reevaluation determine that the best management practice or other measure requires modification, the department, a water management district, or the Department of Agriculture and Consumer Services, as appropriate, shall revise the rule to require implementation of the modified practice within a reasonable time period as specified in the rule.

5. Individual agricultural records relating to processes or methods of production, or relating to costs of production, profits, or other financial information which are otherwise not public records, which are reported to the Department of Agriculture and Consumer Services pursuant to subparagraphs 3. and 4. or pursuant to any rule adopted pursuant to subparagraph 2. shall be confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Upon request of the department or any water management district, the Department of Agriculture and Consumer Services shall make such individual agricultural records available to that agency, provided that the confidentiality specified by this subparagraph for such records is maintained. This subparagraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

6. The provisions of subparagraphs 1. and 2. shall not preclude the department or water management district from requiring compliance with water quality standards or with current best management practice requirements set forth in any applicable regulatory program authorized by law for the purpose of protecting water quality. Additionally, subparagraphs 1. and 2. are applicable only to the extent that they do not conflict with any rules adopted by the department that are necessary to maintain a federally delegated or approved program.

(11) IMPLEMENTATION OF ADDITIONAL PROGRAMS.--

(a) The department shall not implement, without prior legislative approval, any additional regulatory authority pursuant to s. 303(d) of the Clean Water Act or 40 C.F.R. part 130, if such implementation would result in water quality discharge regulation of activities not currently subject to regulation.

(b) Interim measures, best management practices, or other measures may be developed and voluntarily implemented pursuant to paragraph ~~subparagraphs~~ (7)(c)~~1. and 2.~~ for any water body or segment for which a total maximum daily load or allocation has not been established. The implementation of such pollution control programs may be considered by the department in the determination made pursuant to subsection (4).

Section 11. Austin Dewey Gay Agricultural Inspection Station designated; department to erect suitable markers.--

(1) The agricultural inspection station located at or near mile marker 1 on Interstate Highway 10 in Escambia County is designated as "Austin Dewey Gay Memorial Agricultural Inspection Station."

(2) The Department of Agriculture and Consumer Services is directed to erect suitable markers designating the Austin Dewey Gay Memorial Agricultural Inspection Station as described in subsection (1).

Section 12. Paragraph (a) of subsection (1) of section 500.12, Florida Statutes, is amended to read:

500.12 Food permits; building permits.--

(1)(a) A food permit from the department is required of any person who operates a food establishment or retail food store, except:

1. Persons operating minor food outlets, including, but not limited to, video stores, that sell commercially prepackaged, nonpotentially hazardous candy, chewing gum, soda, or popcorn, provided the shelf space for those items does not exceed 12 linear feet and no other food is sold by the minor food outlet.

2. Persons subject to continuous, onsite federal or state inspection.

3. Persons selling only legumes in the shell, either parched, roasted, or boiled.

4. Persons selling sugar cane or sorghum syrup that has been boiled and bottled on a premise located within the state. Such bottles must contain a label listing the producer's name and street address, all added ingredients, the net weight or volume of product, and a statement that reads "This product has not been produced in a facility permitted by the Florida Department of Agriculture and Consumer Services."

Section 13. Subsection (1) of section 570.249, Florida Statutes, is amended to read:

570.249 Agricultural Economic Development Program disaster loans and grants and aid.--

(1) USE OF LOAN FUNDS.--

(a) Loan funds to agricultural producers who have experienced ~~crop~~ losses from a natural disaster or a socioeconomic condition or event may be used to:

1. Restore or replace essential physical property or remove debris from essential physical property.~~, such as animals, fences, equipment, structural production facilities, and orchard trees;~~

2. Pay all or part of production costs associated with the disaster year.~~;~~

3. Pay essential family living expenses.~~; and~~

4. Restructure farm debts.

(b) To be eligible, agricultural producers must have a parcel or parcels of land in production not exceeding 300 acres.

(c) Funds may be issued as direct loans, or as loan guarantees for up to 90 percent of the total loan, in amounts not less than $30,000 nor more than $300,000 ~~$250,000~~. Applicants must provide at least 10 percent equity.

(d) For purposes of this subsection, the term:

1. "Losses" means loss or damage to crops, agricultural products, agricultural facilities, infrastructure, or farmworker housing.

2. "Essential physical property" means fences, equipment, structural production facilities such as shade houses and greenhouses, other agricultural facilities, infrastructure, or farmworker housing.

Section 14. Paragraph (h) is added to subsection (2) of section 810.09, Florida Statutes, to read:

810.09 Trespass on property other than structure or conveyance.--

(2)

(h) The offender commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property trespassed upon is an agricultural chemicals manufacturing facility that is legally posted and identified in substantially the following manner: "THIS AREA IS A DESIGNATED AGRICULTURAL CHEMICALS MANUFACTURING FACILITY, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY."

Section 15. Subsection (12) is added to section 810.011, Florida Statutes, to read:

810.011 Definitions.--As used in this chapter:

(12) "Agricultural chemicals manufacturing facility" means any facility, and any properties or structures associated with the facility, used for the manufacture, processing, or storage of agricultural chemicals classified in Industry Group 287 contained in the Standard Industrial Classification Manual, 1987, as published by the Office of Management and Budget, Executive Office of the President.

Section 16. Assessment of obsolete agricultural equipment.--

(1) For purposes of ad valorem property taxation, agricultural equipment that is located on property classified as agricultural under s. 193.461, Florida Statutes, and that is no longer usable for its intended purpose shall be deemed to have a market value no greater than its value for salvage.

(2) This section shall take effect January 1, 2007.

Section 17. Section 601.992, Florida Statutes, is amended to read:

601.992 Collection of dues and other payments on behalf of certain nonprofit corporations engaged in market news and grower education.--The Florida Department of Citrus or the Department of Agriculture and Consumer Services or their successors ~~its successor~~ may collect or compel the entities regulated by the department to collect dues, contributions, or any other financial payment upon request by, and on behalf of, any not-for-profit corporation, and its related not-for-profit corporations, located in this state which receives payments or dues from its members. Such not-for-profit corporation must be engaged, to the exclusion of agricultural commodities other than citrus, in market news and grower education solely for citrus growers, and must have at least 5,000 members who are engaged in growing citrus in this state for commercial sale. The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this section. The rules may establish indemnity requirements for the requesting corporation and for fees to be charged to the corporation which are sufficient but do not exceed the amount necessary to ensure that any direct costs incurred by the department in implementing this section are borne by the requesting corporation and not by the department.

Section 18. Subsection (3) of section 212.0501, Florida Statutes, is amended to read:

212.0501 Tax on diesel fuel for business purposes; purchase, storage, and use.--

(3) For purposes of this section, "consumption, use, or storage by a trade or business" does not include those uses of diesel fuel specifically exempt on account of residential purposes, or in any tractor, vehicle, or other equipment used exclusively on a farm or for processing farm products on the farm, no part of which diesel fuel is used in any licensed motor vehicle on the public highways of this state ~~on account of agricultural purposes as defined in s. 212.08(5)~~, or the purchase or storage of diesel fuel held for resale.

Section 19. Paragraph (e) of subsection (5) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.--The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.--

(e)1. Gas used for certain agricultural purposes.--Butane gas, propane gas, natural gas, and all other forms of liquefied petroleum gases are exempt from the tax imposed by this chapter if used in any tractor, vehicle, or other farm equipment which is used exclusively on a farm or for processing farm products on the farm and no part of which gas is used in any vehicle or equipment driven or operated on the public highways of this state. This restriction does not apply to the movement of farm vehicles or farm equipment between farms. The transporting of bees by water and the operating of equipment used in the apiary of a beekeeper is also deemed an exempt use.

2. Electricity used for certain agricultural purposes.--Electricity used directly and exclusively for production or processing of agricultural products on the farm is exempt from the tax imposed by this chapter. This exemption applies only if the electricity used for the exempt purposes is separately metered. If the electricity is not separately metered, it is conclusively presumed that some portion of the electricity is used for a nonexempt purpose, and all of the electricity used for such purposes is taxable.

Section 20. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2006.

======== T I T L E A M E N D M E N T ========

Delete everything before the enacting clause

and insert:

A bill to be entitled

An act relating to the Department of Agriculture and Consumer Services; amending s. 482.021, F.S.; revising the definitions of the terms "employee" and "independent contractor" for purposes of pest control regulation; amending s. 482.051, F.S.; revising certain requirements of the department to adopt rules relating to the use of pesticides for preventing subterranean termites in new construction; amending s. 482.091, F.S.; clarifying provisions governing the performance of pest control services; amending s. 482.156, F.S.; requiring certification of individual commercial landscape maintenance personnel; revising the types of materials such personnel may use; removing obsolete provisions relating to fees; revising criteria for eligibility to take the commercial landscape maintenance personnel examination; clarifying requirements relating to proof of education and insurance; amending s. 482.211, F.S.; clarifying exemption of certain mosquito-control activities from regulation; amending s. 500.033, F.S.; renaming the Florida Food Safety and Food Security Advisory Council as the Florida Food Safety and Food Defense Advisory Council and revising duties accordingly; creating s. 570.954, F.S.; creating the Farm-to-Fuel Initiative; providing the purpose of the initiative and authorizing the department to conduct an education program; providing for coordination between the department and the Department of Environmental Protection; amending s. 582.06, F.S.; revising the membership of the Soil and Water Conservation Council; amending s. 828.30, F.S.; updating references to the Rabies Vaccination Certificate; amending s. 403.067, F.S.; clarifying rules adopted by the department relating to best-management practices; clarifying the authority for certain measures to be implemented by the Department of Environmental Protection for certain water bodies; limiting eligibility for presumption of compliance and release; designating the "Austin Dewey Gay Agricultural Inspection Station" in Escambia County; amending s. 500.12, F.S.; exempting certain producers of sugar cane or sorghum syrup from permitting requirements; amending s. 570.249, F.S.; expanding the conditions under which loan funds to certain agricultural producers may be granted; increasing the maximum amount of a loan; providing definitions; amending s. 810.09, F.S.; providing criminal penalties for trespassing on certain property; requiring warning signage; amending s. 810.011, F.S.; defining the term "agricultural chemicals manufacturing facility"; providing for certain ad valorem taxation for agricultural equipment under certain circumstances; amending s. 601.992, F.S.; authorizing the Department of Citrus or the Department of Agriculture and Consumer Services to collect or require the collection of certain financial payments for certain not-for-profit entities under certain circumstances; authorizing fees and rulemaking; amending s. 212.0501, F.S.; excluding from application of the sales and use tax diesel fuel used in certain farming vehicles or for certain farming purposes;

amending s. 212.08, F.S.; exempting from the sales and use tax electricity used for specified agricultural purposes; providing application; providing a conclusive presumption of taxable use under certain circumstances; providing effective dates.

On motion by Rep. Poppell, the House concurred in Senate Amendment 1.

The question recurred on the passage of HB 7075. The vote was:

Session Vote Sequence: 1183

Representative Smith in the Chair.

Yeas—115

Adams	Culp	Holloway	Proctor
Allen	Cusack	Homan	Quinones
Altman	Davis, D.	Hukill	Reagan
Ambler	Davis, M.	Jennings	Rice
Anderson	Dean	Johnson	Richardson
Antone	Detert	Jordan	Rivera
Arza	Domino	Joyner	Robaina
Attkisson	Evers	Kottkamp	Roberson
Ausley	Farkas	Kravitz	Ross
Barreiro	Fields	Kreegel	Rubio
Baxley	Flores	Kyle	Russell
Bean	Galvano	Legg	Ryan
Bendross-Mindingall	Gannon	Littlefield	Sands
Bense	Garcia	Llorente	Sansom
Benson	Gardiner	Machek	Seiler
Berfield	Gelber	Mahon	Simmons
Bilirakis	Gibson, A.	Mayfield	Slosberg
Bogdanoff	Gibson, H.	McInvale	Smith
Bowen	Glorioso	Meadows	Sobel
Brown	Goldstein	Mealor	Sorensen
Brummer	Goodlette	Murzin	Stansel
Brutus	Gottlieb	Needelman	Stargel
Bucher	Grant	Negron	Traviesa
Bullard	Greenstein	Patterson	Troutman
Cannon	Grimsley	Peterman	Vana
Carroll	Harrell	Pickens	Waters
Clarke	Hasner	Planas	Williams
Coley	Hays	Poppell	Zapata
Cretul	Henriquez	Porth	

Nays—None

Votes after roll call:
Yeas—Lopez-Cantera

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1194, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Governmental Oversight and Productivity and Senator Constantine—

CS for SB 1194—A bill to be entitled An act relating to growth management; creating part II of ch. 171, F.S., the "Interlocal Service Boundary Agreement Act"; providing legislative intent with respect to annexation and the coordination of services by local governments; providing definitions; providing for the creation of interlocal service boundary agreements by a county and one or more municipalities or independent special districts; specifying the procedures for initiating an agreement and responding to a proposal for agreements; identifying issues the agreement may or must address; requiring that emergency medical services be provided by the existing provider to an annexed area with certain exceptions; requiring local governments that are a party to the agreement to amend their comprehensive plans; providing for review of the amendment by the state land planning agency; providing an exception to the limitation on plan amendments; specifying those persons who may challenge a plan amendment required by the agreement; providing for negotiation and adoption of the agreement; providing for preservation of certain agreements and powers regarding utility services; providing for preservation of existing contracts; providing prerequisites to annexation; providing a process for annexation; providing for the effect of an interlocal service boundary area agreement on the parties to the agreement; providing for a transfer of powers; authorizing a municipality to provide services within an unincorporated area or territory of another municipality; authorizing a county to exercise certain powers within a municipality; providing for the effect on interlocal agreements and county charters; providing a presumption of validity; providing a procedure to settle a dispute regarding an interlocal service boundary agreement; amending s. 171.042, F.S.; revising the time period for filing a report; providing for a cause of action to invalidate an annexation; requiring municipalities to provide notice of proposed annexation to certain persons; amending s. 171.044, F.S.; revising the time period for providing a copy of a notice; providing for a cause of action to invalidate an annexation; creating s. 171.094, F.S.; providing for the effect of interlocal service boundary agreements adopted under the act; amending s. 171.081, F.S.; requiring a governmental entity affected by annexation or contraction to initiate conflict resolution procedures under certain circumstances; providing for initiation of judicial review and reimbursement of attorney's fees and costs regarding certain annexations or contractions; amending s. 163.01, F.S.; providing for the place of filing an interlocal agreement in certain circumstances; amending s. 164.1058, F.S.; providing that a governmental entity that fails to participate in conflict resolution procedures shall be required to pay attorney's fees and costs under certain conditions; requesting the Division of Statutory Revision to designate parts I and II of ch. 171, F.S.; creating s. 163.31801, F.S.; creating the "Florida Impact Fee Act"; providing legislative intent; requiring that an impact fee meet certain specified requirements concerning calculation of the fee, accounting for revenues and expenditures, provision of notice, and collection of administrative costs; requiring inclusion of an affidavit certifying compliance with the act in certain audits of financial statements of a local government entity or a school board provided to the Auditor General; providing an effective date.

—was read the first time by title. On motion by Rep. Altman, the rules were waived and the bill was read the second time by title.

On motion by Rep. Altman, CS for SB 1194 was substituted for HB 1357. Under Rule 5.14, the House bill was laid on the table.

On motion by Rep. Altman, the rules were waived and CS for SB 1194 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1184

Representative Smith in the Chair.

Yeas—117

Adams	Bilirakis	Davis, D.	Glorioso
Allen	Bogdanoff	Davis, M.	Goldstein
Altman	Bowen	Dean	Goodlette
Ambler	Brandenburg	Detert	Gottlieb
Anderson	Brown	Domino	Grant
Antone	Brummer	Evers	Greenstein
Arza	Brutus	Farkas	Grimsley
Attkisson	Bucher	Fields	Harrell
Ausley	Bullard	Flores	Hasner
Barreiro	Cannon	Galvano	Hays
Baxley	Carroll	Gannon	Henriquez
Bean	Clarke	Garcia	Holloway
Bendross-Mindingall	Coley	Gardiner	Homan
Bense	Cretul	Gelber	Hukill
Benson	Culp	Gibson, A.	Jennings
Berfield	Cusack	Gibson, H.	Johnson

Jordan	Meadows	Rice	Smith
Joyner	Mealor	Richardson	Sobel
Kottkamp	Murzin	Rivera	Sorensen
Kravitz	Needelman	Robaina	Stansel
Kreegel	Negron	Roberson	Stargel
Kyle	Patterson	Ross	Traviesa
Legg	Peterman	Rubio	Troutman
Littlefield	Pickens	Russell	Vana
Llorente	Planas	Ryan	Waters
Lopez-Cantera	Poppell	Sands	Williams
Machek	Porth	Sansom	Zapata
Mahon	Proctor	Seiler	
Mayfield	Quinones	Simmons	
McInvale	Reagan	Slosberg	

Nays—None

So the bill passed and was immediately certified to the Senate.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1268 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Community Affairs and Senator Margolis—

CS for SB 1268—A bill to be entitled An act relating to the deferral of ad valorem property taxes; amending s. 197.252, F.S.; decreasing the age and increasing the income threshold required for eligibility to defer ad valorem property taxes; decreasing the maximum interest rate that may be charged on deferred ad valorem taxes; providing an effective date.

—was read the first time by title. On motion by Rep. Rivera, the rules were waived and the bill was read the second time by title.

On motion by Rep. Rivera, CS for SB 1268 was substituted for HB 753. Under Rule 5.14, the House bill was laid on the table.

On motion by Rep. Rivera, the rules were waived and CS for SB 1268 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1185

Representative Smith in the Chair.

Yeas—113

Adams	Coley	Greenstein	Meadows
Allen	Cretul	Grimsley	Mealor
Altman	Culp	Harrell	Murzin
Ambler	Cusack	Hasner	Needelman
Antone	Davis, D.	Hays	Negron
Arza	Davis, M.	Henriquez	Patterson
Attkisson	Dean	Holloway	Peterman
Ausley	Detert	Homan	Pickens
Barreiro	Domino	Hukill	Planas
Baxley	Evers	Jennings	Poppell
Bean	Farkas	Johnson	Porth
Bendross-Mindingall	Fields	Jordan	Proctor
Bense	Flores	Joyner	Quinones
Benson	Galvano	Kottkamp	Reagan
Berfield	Gannon	Kravitz	Rice
Bogdanoff	Garcia	Kreegel	Richardson
Bowen	Gardiner	Kyle	Rivera
Brown	Gelber	Legg	Robaina
Brummer	Gibson, A.	Littlefield	Roberson
Brutus	Gibson, H.	Llorente	Rubio
Bucher	Glorioso	Lopez-Cantera	Russell
Bullard	Goldstein	Machek	Ryan
Cannon	Goodlette	Mahon	Sands
Carroll	Gottlieb	Mayfield	Sansom
Clarke	Grant	McInvale	Seiler
Simmons	Sorensen	Troutman	Zapata
Slosberg	Stansel	Vana	
Smith	Stargel	Waters	
Sobel	Traviesa	Williams	

Nays—None

Votes after roll call:
Yeas—Ross

So the bill passed and was immediately certified to the Senate.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 1324, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Health and Human Services Appropriations, Health Care and Senators Peaden and Hill—

CS for CS for SB 1324—A bill to be entitled An act relating to healthy lifestyles; providing a short title; providing legislative findings; providing definitions; providing for the establishment of a statewide comprehensive educational program on lead poisoning prevention; providing for a public information initiative; providing for distribution of literature about childhood lead poisoning; requiring the establishment of a screening program for early identification of persons at risk of elevated levels of lead in the blood; providing for screening of children; providing for prioritization of screening; providing for the maintenance of records of screenings; providing for reporting of cases of lead poisoning; providing an appropriation; providing contingencies for implementing the educational program under the act; amending s. 381.0054, F.S.; requiring the Department of Health to collaborate with other state agencies in developing policies and strategies to prevent and treat obesity which shall be incorporated into agency programs; requiring the department to advise health care practitioners regarding morbidity, mortality, and costs associated with the condition of being overweight or obese; requiring the department to inform health care practitioners about clinical best practices for obesity prevention and treatment and to encourage practitioners to counsel their patients regarding the adoption of healthy lifestyles; amending s. 110.123, F.S.; defining the term "age-based and gender-based benefits" for purposes of the state group insurance program; creating the Florida State Employee Wellness Council within the Department of Management Services; providing for membership; providing for reimbursement of per diem and travel expenses; providing purpose and duties of the council; providing an effective date.

—was read the first time by title. On motion by Rep. Garcia, the rules were waived and the bill was read the second time by title.

On motion by Rep. Garcia, CS for CS for SB 1324 was substituted for HB 7203. Under Rule 5.14, the House bill was laid on the table.

On motion by Rep. Garcia, the rules were waived and CS for CS for SB 1324 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1186

Representative Smith in the Chair.

Yeas—116

Adams	Antone	Baxley	Berfield
Allen	Arza	Bean	Bilirakis
Altman	Attkisson	Bendross-Mindingall	Bogdanoff
Ambler	Ausley	Bense	Bowen
Anderson	Barreiro	Benson	Brown

Brummer	Gelber	Kyle	Richardson
Brutus	Gibson, A.	Legg	Rivera
Bucher	Gibson, H.	Littlefield	Robaina
Bullard	Glorioso	Llorente	Roberson
Cannon	Goldstein	Lopez-Cantera	Ross
Carroll	Goodlette	Machek	Rubio
Clarke	Gottlieb	Mahon	Russell
Coley	Grant	Mayfield	Ryan
Cretul	Greenstein	McInvale	Sands
Culp	Grimsley	Meadows	Sansom
Cusack	Harrell	Mealor	Seiler
Davis, D.	Hasner	Murzin	Simmons
Davis, M.	Hays	Needelman	Slosberg
Dean	Henriquez	Negron	Smith
Detert	Holloway	Patterson	Sobel
Domino	Homan	Peterman	Sorensen
Evers	Hukill	Pickens	Stansel
Farkas	Jennings	Planas	Stargel
Fields	Johnson	Poppell	Traviesa
Flores	Jordan	Porth	Troutman
Galvano	Joyner	Proctor	Vana
Gannon	Kottkamp	Quinones	Waters
Garcia	Kravitz	Reagan	Williams
Gardiner	Kreegel	Rice	Zapata

Nays—None

So the bill passed and was immediately certified to the Senate.

Recessed

The House recessed at 12:35 p.m., to reconvene at 1:30 p.m. or upon call of the Chair.

Reconvened

The House was called to order by the Speaker at 1:37 p.m. A quorum was present [Session Vote Sequence: 1187].

Recognition of House Staff

The Speaker invited House staff from the Office of the Speaker, Office of the Majority Leader, Office of the Minority Leader, Procedures & Policy, Office of the General Counsel, Office of the Clerk, Office of the Sergeant at Arms, House Bill Drafting, Office of Information Technology, and House Administration to join the members in the Chamber.

After remarks of appreciation by the membership, the House staff received a standing ovation from the members of the House.

Remarks

The Speaker recognized Reps. Greenstein and Gottlieb, who each gave brief farewell remarks.

Motion

The Speaker recognized Rep. Peterman to approach the well, where, on behalf of the Florida Conference of Black State Legislators, he presented Rep. Barreiro with the "Children's Champion Award."

REPRESENTATIVE RUSSELL IN THE CHAIR

Messages from the Senate

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1363, with amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 1363—A bill to be entitled An act relating to affordable housing; creating s. 125.379, F.S.; providing for disposition of county property for affordable housing; amending s. 163.31771, F.S., relating to accessory dwelling units; revising legislative findings and definitions; conforming cross-references; creating s. 163.31772, F.S.; providing legislative findings and intent relating to changes in land use affecting mobile home parks; providing definitions; providing requirements for local governments and community redevelopment agencies regarding specified funding sources to provide financial assistance to certain mobile home owners; providing requirements for mobile home owners to qualify for financial assistance; authorizing local governments to permit and approve rezoning of property for the development of new mobile home parks; providing that a local government or redevelopment agency may enter into a development agreement with the owner of a mobile home park to encourage its continued use for affordable housing; providing rulemaking authority; limiting the length of certain development agreements; amending s. 163.3187, F.S.; revising a limitation relating to small scale comprehensive plan amendments involving the construction of affordable housing units; creating s. 166.0451, F.S.; providing for disposition of municipal property for affordable housing; amending s. 189.4155, F.S.; authorizing independent special districts to provide for housing and housing assistance; amending s. 191.006, F.S.; authorizing independent special fire control districts to provide employee housing and housing assistance; creating s. 193.018, F.S.; creating the Manny Diaz Affordable Housing Property Tax Relief Initiative; providing criteria for assessing just valuation of affordable housing properties serving persons of low, moderate, very-low, and extremely-low incomes; amending s. 196.1978, F.S.; specifying what constitutes a nonprofit entity for purposes of affordable housing property tax exemption; conforming cross-references; amending s. 253.034, F.S.; providing for the disposition of state lands for affordable housing; amending s. 253.0341, F.S.; authorizing local governments to request state lands be declared surplus for the purpose of affordable housing; providing for use of lands that are declared surplus; amending s. 295.16, F.S.; expanding the disabled veteran exemption from certain license and permit fees relating to dwelling improvements; amending s. 376.30781, F.S; providing tax credits for eligible applicants; amending s. 380.06, F.S.; providing a greater substantial deviation threshold for the provision of affordable housing in a development of regional impact; conforming cross-references; amending s. 380.0651, F.S.; providing a statewide guidelines and standards bonus for the provision of workforce housing; amending s. 420.0004, F.S.; defining the term "extremely-low-income persons"; conforming cross-references; amending s. 420.37, F.S., relating to additional powers of the Florida Housing Finance Corporation; providing for additional powers of the Florida Department of Community Affairs; amending s. 420.503, F.S.; revising the definition of the term "farmworker" under the Florida Housing Finance Corporation Act; providing rulemaking authority; amending s. 420.5061, F.S.; conforming a cross-reference; amending s. 420.507, F.S.; revising and expanding the powers of the Florida Housing Finance Corporation relating to mortgage loan interest rates, loans, loan relief, uses of loan funds, subsidiary business entities, and data reporting; providing rulemaking authority; amending s. 420.5087, F.S.; increasing the population criteria for the State Apartment Incentive Loan Program; revising criteria for loans; conforming cross-references; amending s. 420.5088, F.S.; expanding the scope of the Florida Homeownership Assistance Program; revising loan requirements; deleting a provision reserving program funds for certain borrowers; repealing s. 420.530, F.S., relating to the State Farm Worker Housing Pilot Loan Program; amending s. 420.9071, F.S.; conforming a cross-reference; amending s. 420.9072, F.S.; conforming cross-references; amending s. 420.9075, F.S.; requiring local housing assistance plans to define essential service personnel for the county or eligible municipality and to contain a strategy for the recruitment and retention of such personnel; amending s. 420.9076, F.S.; conforming a cross-reference; amending s. 420.9079, F.S.; revising the maximum appropriation the Florida Housing Finance

Corporation may request each state fiscal year; conforming a cross-reference; amending s. 1001.43, F.S.; authorizing district school boards to use certain school sites to provide sites for affordable housing for teachers and other district personnel; amending s. 723.0612, F.S.; requiring local governments to allow the owner of a mobile home or a recreational vehicle park to change the use of park land to a single-family residential or multi-family land use under certain conditions; creating the Community Workforce Housing Innovation Pilot Program; provides legislative findings; providing definitions; providing the Florida Housing Finance Corporation with certain powers and responsibilities relating to the program; requiring the program to target certain entities; providing application requirements; authorizing an applicant to use a nonprofit or public entity to manage its housing program; providing incentives for program applicants; providing rulemaking authority; requires a report to the Governor and Legislature; authorizing local governments to provide density bonus incentives to landowners who donate fee simple interest in real property to the local government for the purpose of assisting the local government in providing affordable housing; providing definitions and requirements governing such donations and density bonuses; requiring the Department of Community Affairs to establish a Home Retrofit Hardening Program and establishing requirements for the program; requiring the Department of Community Affairs to establish a Disaster Recovery Assistance Program and establishing requirements for the program; authorizing the Florida Housing Finance Corporation to provide funds to eligible entities for affordable housing recovery in areas of the state sustaining hurricane damage due to hurricanes during 2004 and 2005; providing legislative findings and emergency rulemaking authority; providing appropriations; providing effective dates.

(Amendment Bar Code: 460562)

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 125.379, Florida Statutes, is created to read:

125.379 Disposition of county property for affordable housing.--

(1) By July 1, 2007, and every 3 years thereafter, each county shall prepare an inventory list of all real property within its jurisdiction to which the county holds fee simple title that is appropriate for use as affordable housing. The inventory list must include the address and legal description of each such real property and specify whether the property is vacant or improved. The governing body of the county must review the inventory list at a public hearing and may revise it at the conclusion of the public hearing. The governing body of the county shall adopt a resolution that includes an inventory list of such property following the public hearing.

(2) The properties identified as appropriate for use as affordable housing on the inventory list adopted by the county may be offered for sale and the proceeds used to purchase land for the development of affordable housing or to increase the local government fund earmarked for affordable housing, or may be sold with a restriction that requires the development of the property as permanent affordable housing, or may be donated to a nonprofit housing organization for the construction of permanent affordable housing. Alternatively, the county may otherwise make the property available for use for the production and preservation of permanent affordable housing. For purposes of this section, the term "affordable" has the same meaning as in s. 420.0004(3).

Section 2. Subsections (1) and (4) and paragraphs (b), (d), (e), and (f) of subsection (2) of section 163.31771, Florida Statutes, are amended, and paragraph (g) is added to subsection (2) of that section, to read:

163.31771 Accessory dwelling units.--

(1) The Legislature finds that the median price of homes in this state has increased steadily over the last decade and at a greater rate of increase than the median income in many urban areas. The Legislature finds that the cost of rental housing has also increased steadily and the cost often exceeds an amount that is affordable to extremely-low-income, very-low-income, low-income, or moderate-income persons and has resulted in a critical shortage of affordable rentals in many urban areas in the state. This shortage of affordable rentals constitutes a threat to the health, safety, and welfare of the residents of the state. Therefore, the Legislature finds that it serves an important public purpose to encourage the permitting of accessory dwelling units in single-family residential areas in order to increase the availability of affordable rentals for extremely-low-income, very-low-income, low-income, or moderate-income persons.

(2) As used in this section, the term:

(b) "Affordable rental" means that monthly rent and utilities do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for extremely-low-income, very-low-income, low-income, or moderate-income persons.

(d) "Low-income persons" has the same meaning as in s. 420.0004(10)~~(9)~~.

(e) "Moderate-income persons" has the same meaning as in s. 420.0004(11)~~(10)~~.

(f) "Very-low-income persons" has the same meaning as in s. 420.0004(15)~~(14)~~.

(g) "Extremely-low-income persons" has the same meaning as in s. 420.0004(8).

(4) If the local government adopts an ordinance under this section, an application for a building permit to construct an accessory dwelling unit must include an affidavit from the applicant which attests that the unit will be rented at an affordable rate to an extremely-low-income, ~~a~~ very-low-income, low-income, or moderate-income person or persons.

Section 3. Paragraph (c) of subsection (1) of section 163.3187, Florida Statutes, is amended to read:

163.3187 Amendment of adopted comprehensive plan.--

(1) Amendments to comprehensive plans adopted pursuant to this part may be made not more than two times during any calendar year, except:

(c) Any local government comprehensive plan amendments directly related to proposed small scale development activities may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan. A small scale development amendment may be adopted only under the following conditions:

1. The proposed amendment involves a use of 10 acres or fewer and:

a. The cumulative annual effect of the acreage for all small scale development amendments adopted by the local government shall not exceed:

(I) A maximum of 120 acres in a local government that contains areas specifically designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, urban infill and redevelopment areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e); however, amendments under this paragraph may be applied to no more than 60 acres annually of property outside the designated areas listed in this sub-sub-subparagraph. Amendments adopted pursuant to paragraph (k) shall not be counted toward the acreage limitations for small scale amendments under this paragraph.

(II) A maximum of 80 acres in a local government that does not contain any of the designated areas set forth in sub-sub-subparagraph (I).

(III) A maximum of 120 acres in a county established pursuant to s. 9, Art. VIII of the State Constitution.

b. The proposed amendment does not involve the same property granted a change within the prior 12 months.

c. The proposed amendment does not involve the same owner's property within 200 feet of property granted a change within the prior 12 months.

d. The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government's comprehensive plan, but only proposes a land use change to the future land use map for a site-specific small scale development activity.

e. The property that is the subject of the proposed amendment is not located within an area of critical state concern, unless the project subject to the proposed amendment involves the construction of affordable housing units meeting the criteria of s. 420.0004(3), and is located within an area of critical state concern designated by s. 380.0552 or by the Administration Commission pursuant to s. 380.05(1). Such amendment is not subject to the density limitations of sub-subparagraph f., and shall be reviewed by the state land planning agency for consistency with the principles for guiding development applicable to the area of critical state concern where the

amendment is located and shall not become effective until a final order is issued under s. 380.05(6).

f. If the proposed amendment involves a residential land use, the residential land use has a density of 10 units or less per acre or the proposed future land use category allows a maximum residential density of the same or less than the maximum residential density allowable under the existing future land use category, except that this limitation does not apply to small scale amendments involving the construction of affordable housing units meeting the criteria of s. 420.0004(3) on property which will be the subject of a land use restriction agreement ~~or extended use agreement recorded in conjunction with the issuance of tax exempt bond financing or an allocation of federal tax credits issued through the Florida Housing Finance Corporation or a local housing finance authority authorized by the Division of Bond Finance of the State Board of Administration~~, or small scale amendments described in sub-sub-subparagraph a.(I) that are designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, urban infill and redevelopment areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e).

2.a. A local government that proposes to consider a plan amendment pursuant to this paragraph is not required to comply with the procedures and public notice requirements of s. 163.3184(15)(c) for such plan amendments if the local government complies with the provisions in s. 125.66(4)(a) for a county or in s. 166.041(3)(c) for a municipality. If a request for a plan amendment under this paragraph is initiated by other than the local government, public notice is required.

b. The local government shall send copies of the notice and amendment to the state land planning agency, the regional planning council, and any other person or entity requesting a copy. This information shall also include a statement identifying any property subject to the amendment that is located within a coastal high-hazard area as identified in the local comprehensive plan.

3. Small scale development amendments adopted pursuant to this paragraph require only one public hearing before the governing board, which shall be an adoption hearing as described in s. 163.3184(7), and are not subject to the requirements of s. 163.3184(3)-(6) unless the local government elects to have them subject to those requirements.

4. If the small scale development amendment involves a site within an area that is designated by the Governor as a rural area of critical economic concern under s. 288.0656(7) for the duration of such designation, the 10-acre limit listed in subparagraph 1. shall be increased by 100 percent to 20 acres. The local government approving the small scale plan amendment shall certify to the Office of Tourism, Trade, and Economic Development that the plan amendment furthers the economic objectives set forth in the executive order issued under s. 288.0656(7), and the property subject to the plan amendment shall undergo public review to ensure that all concurrency requirements and federal, state, and local environmental permit requirements are met.

Section 4. Section 166.0451, Florida Statutes, is created to read:

166.0451 Disposition of municipal property for affordable housing.--

(1) By July 1, 2007, and every 3 years thereafter, each municipality shall prepare an inventory list of all real property within its jurisdiction to which the municipality holds fee simple title that is appropriate for use as affordable housing. The inventory list must include the address and legal description of each such property and specify whether the property is vacant or improved. The governing body of the municipality must review the inventory list at a public hearing and may revise it at the conclusion of the public hearing. Following the public hearing, the governing body of the municipality shall adopt a resolution that includes an inventory list of such property.

(2) The properties identified as appropriate for use as affordable housing on the inventory list adopted by the municipality may be offered for sale and the proceeds may be used to purchase land for the development of affordable housing or to increase the local government fund earmarked for affordable housing, or may be sold with a restriction that requires the development of the property as permanent affordable housing, or may be donated to a nonprofit housing organization for the construction of permanent affordable housing. Alternatively, the municipality may otherwise make the property available for use for the production and preservation of permanent affordable housing. For purposes of this section, the term "affordable" has the same meaning as in s. 420.0004(3).

Section 5. The Legislature finds that providing affordable housing is vitally important to the health, safety, and welfare of the residents of this state. Furthermore, the Legislature finds that escalating property values and development costs have contributed to the inadequate supply of housing for low- and moderate-income residents of this state. The Legislature further finds that there is a shortage of sites available for housing for persons and families with low and moderate incomes and that surplus government land, when appropriate, should be made available for that purpose. Therefore, the Legislature determines and declares that this act fulfills an important state interest.

Section 6. Subsection (6) is added to section 189.4155, Florida Statutes, to read:

189.4155 Activities of special districts; local government comprehensive planning.--

(6) Any independent district created under a special act or general law, including, but not limited to, chapter 189, chapter 190, chapter 191, or chapter 298, for the purpose of providing urban infrastructure of services may provide housing and housing assistance for its employed personnel whose total annual household income does not exceed 140 percent of the area median income, adjusted for family size.

Section 7. Subsection (19) is added to section 191.006, Florida Statutes, to read:

191.006 General powers.--The district shall have, and the board may exercise by majority vote, the following powers:

(19) To provide housing or housing assistance for its employed personnel whose total annual household income does not exceed 140 percent of the area median income, adjusted for family size.

Section 8. Paragraph (b) of subsection (2) and subsection (4) of section 197.252, Florida Statutes, are amended to read:

197.252 Homestead tax deferral.--

(2)

(b) If ~~In the event~~ the applicant is entitled to claim the increased exemption by reason of age and residency as provided in s. 196.031(3)(a), approval of the ~~such~~ application shall defer that portion of the ~~such~~ ad valorem taxes plus non-ad valorem assessments which exceeds 3 percent of the applicant's household ~~household's~~ income for the prior calendar year. If any ~~such~~ applicant's household income for the prior calendar year is less than $10,000, or is less than the amount of the household income designated for the additional homestead exemption pursuant to s. 196.075, and the ~~$12,000 if such~~ applicant is 65 ~~70~~ years of age or older, approval of the ~~such~~ application shall defer the ~~such~~ ad valorem taxes plus non-ad valorem assessments in their entirety.

(4) The amount of taxes, non-ad valorem assessments, and interest deferred under ~~pursuant to~~ this act shall accrue interest at a rate equal to the semiannually compounded rate of one-half of 1 percent plus the average yield to maturity of the long-term fixed-income portion of the Florida Retirement System investments as of the end of the quarter preceding the date of the sale of the deferred payment tax certificates; however, the interest rate may not exceed 7 ~~9.5~~ percent.

Section 9. Paragraph (f) of subsection (6) of section 253.034, Florida Statutes, is amended to read:

253.034 State-owned lands; uses.--

(6) The Board of Trustees of the Internal Improvement Trust Fund shall determine which lands, the title to which is vested in the board, may be surplused. For conservation lands, the board shall make a determination that the lands are no longer needed for conservation purposes and may dispose of them by an affirmative vote of at least three members. In the case of a land exchange involving the disposition of conservation lands, the board must determine by an affirmative vote of at least three members that the exchange will result in a net positive conservation benefit. For all other lands, the board shall make a determination that the lands are no longer needed and may dispose of them by an affirmative vote of at least three members.

(f)1. In reviewing lands owned by the board, the council shall consider whether such lands would be more appropriately owned or managed by the county or other unit of local government in which the land is located. The

council shall recommend to the board whether a sale, lease, or other conveyance to a local government would be in the best interests of the state and local government. The provisions of this paragraph in no way limit the provisions of ss. 253.111 and 253.115. Such lands shall be offered to the state, county, or local government for a period of 30 days. Permittable uses for such surplus lands may include public schools; public libraries; fire or law enforcement substations; ~~and~~ governmental, judicial, or recreational centers; and affordable housing meeting the criteria of s. 420.0004(3). County or local government requests for surplus lands shall be expedited throughout the surplusing process. If the county or local government does not elect to purchase such lands in accordance with s. 253.111, then any surplusing determination involving other governmental agencies shall be made upon the board deciding the best public use of the lands. Surplus properties in which governmental agencies have expressed no interest shall then be available for sale on the private market.

2. Notwithstanding subparagraph 1., any surplus lands that were acquired by the state prior to 1958 by a gift or other conveyance for no consideration from a municipality, and which the department has filed by July 1, 2006, a notice of its intent to surplus, shall be first offered for reconveyance to such municipality at no cost, but for the fair market value of any building or other improvements to the land, unless otherwise provided in a deed restriction of record. This subparagraph expires July 1, 2006.

Section 10. Section 253.0341, Florida Statutes, is amended to read:

253.0341 Surplus of state-owned lands to counties or local governments.--Counties and local governments may submit surplusing requests for state-owned lands directly to the board of trustees. County or local government requests for the state to surplus conservation or nonconservation lands, whether for purchase or exchange, shall be expedited throughout the surplusing process. Property jointly acquired by the state and other entities shall not be surplused without the consent of all joint owners.

(1) The decision to surplus state-owned nonconservation lands may be made by the board without a review of, or a recommendation on, the request from the Acquisition and Restoration Council or the Division of State Lands. Such requests for nonconservation lands shall be considered by the board within 60 days of the board's receipt of the request.

(2) County or local government requests for the surplusing of state-owned conservation lands are subject to review of, and recommendation on, the request to the board by the Acquisition and Restoration Council. Requests to surplus conservation lands shall be considered by the board within 120 days of the board's receipt of the request.

(3) A local government may request that state lands be specifically declared surplus lands for the purpose of providing affordable housing. The request shall comply with the requirements of subsection (1) if the lands are nonconservation lands or subsection (2) if the lands are conservation lands. Surplus lands that are conveyed to a local government for affordable housing shall be disposed of by the local government under the provisions of s. 125.379 or s. 166.0451.

Section 11. Section 295.16, Florida Statutes, is amended to read:

295.16 Disabled veterans exempt from certain license or permit fee.--No totally and permanently disabled veteran who is a resident of Florida and honorably discharged from the Armed Forces, who has been issued a valid identification card by the Department of Veterans' Affairs in accordance with s. 295.17 or has been determined by the United States Department of Veterans Affairs or its predecessor to have a service-connected 100-percent disability rating for compensation, or who has been determined to have a service-connected disability rating of 100 percent and is in receipt of disability retirement pay from any branch of the uniformed armed services, shall be required to pay any license or permit fee, by whatever name known, to any county or municipality in order to make improvements upon a dwelling ~~mobile home~~ owned by the veteran which is used as the veteran's residence, provided such improvements are limited to ramps, widening of doors, and similar improvements for the purpose of making the dwelling ~~mobile home~~ habitable for veterans confined to wheelchairs.

Section 12. Paragraphs (b) and (e) of subsection (19) of section 380.06, Florida Statutes, are amended, and paragraph (i) is added to that subsection, to read:

380.06 Developments of regional impact.--

(19) SUBSTANTIAL DEVIATIONS.--

(b) Any proposed change to a previously approved development of regional impact or development order condition which, either individually or cumulatively with other changes, exceeds any of the following criteria shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review without the necessity for a finding of same by the local government:

1. An increase in the number of parking spaces at an attraction or recreational facility by 5 percent or 300 spaces, whichever is greater, or an increase in the number of spectators that may be accommodated at such a facility by 5 percent or 1,000 spectators, whichever is greater.

2. A new runway, a new terminal facility, a 25-percent lengthening of an existing runway, or a 25-percent increase in the number of gates of an existing terminal, but only if the increase adds at least three additional gates.

3. An increase in the number of hospital beds by 5 percent or 60 beds, whichever is greater.

4. An increase in industrial development area by 5 percent or 32 acres, whichever is greater.

5. An increase in the average annual acreage mined by 5 percent or 10 acres, whichever is greater, or an increase in the average daily water consumption by a mining operation by 5 percent or 300,000 gallons, whichever is greater. An increase in the size of the mine by 5 percent or 750 acres, whichever is less. An increase in the size of a heavy mineral mine as defined in s. 378.403(7) will only constitute a substantial deviation if the average annual acreage mined is more than 500 acres and consumes more than 3 million gallons of water per day.

6. An increase in land area for office development by 5 percent or an increase of gross floor area of office development by 5 percent or 60,000 gross square feet, whichever is greater.

7. An increase in the storage capacity for chemical or petroleum storage facilities by 5 percent, 20,000 barrels, or 7 million pounds, whichever is greater.

8. An increase of development at a waterport of wet storage for 20 watercraft, dry storage for 30 watercraft, or wet/dry storage for 60 watercraft in an area identified in the state marina siting plan as an appropriate site for additional waterport development or a 5-percent increase in watercraft storage capacity, whichever is greater.

9. An increase in the number of dwelling units by 5 percent or 50 dwelling units, whichever is greater.

10. An increase in the number of dwelling units by 50 percent, or 200 units, whichever is greater, provided that 15 percent of the proposed additional dwelling units are dedicated to affordable workforce housing, subject to a recorded land use restriction that shall be for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for income-eligible homeowners and renters and provisions for the workforce housing to be commenced prior to the completion of 50 percent of the market rate dwelling. For purposes of this subparagraph, the term "affordable workforce housing" means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For purposes of this subparagraph, the term "statewide median purchase price of a single-family existing home" means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.

11.~~10.~~ An increase in commercial development by 50,000 square feet of gross floor area or of parking spaces provided for customers for 300 cars or a 5-percent increase of either of these, whichever is greater.

12.~~11.~~ An increase in hotel or motel facility units by 5 percent or 75 units, whichever is greater.

13.~~12.~~ An increase in a recreational vehicle park area by 5 percent or 100 vehicle spaces, whichever is less.

14.~~13.~~ A decrease in the area set aside for open space of 5 percent or 20 acres, whichever is less.

15.~~14.~~ A proposed increase to an approved multiuse development of regional impact where the sum of the increases of each land use as a percentage of the applicable substantial deviation criteria is equal to or exceeds 100 percent. The percentage of any decrease in the amount of open space shall be treated as an increase for purposes of determining when 100 percent has been reached or exceeded.

16.~~15.~~ A 15-percent increase in the number of external vehicle trips generated by the development above that which was projected during the original development-of-regional-impact review.

17.~~16.~~ Any change which would result in development of any area which was specifically set aside in the application for development approval or in the development order for preservation or special protection of endangered or threatened plants or animals designated as endangered, threatened, or species of special concern and their habitat, primary dunes, or archaeological and historical sites designated as significant by the Division of Historical Resources of the Department of State. The further refinement of such areas by survey shall be considered under sub-subparagraph (e)5.b.

The substantial deviation numerical standards in subparagraphs 4., 6., 10., 11., and 15. ~~14.~~, excluding residential uses, and 16. ~~15.~~, are increased by 100 percent for a project certified under s. 403.973 which creates jobs and meets criteria established by the Office of Tourism, Trade, and Economic Development as to its impact on an area's economy, employment, and prevailing wage and skill levels. The substantial deviation numerical standards in subparagraphs 4., 6., 9., 10., 11., 12., and 15. ~~14.~~ are increased by 50 percent for a project located wholly within an urban infill and redevelopment area designated on the applicable adopted local comprehensive plan future land use map and not located within the coastal high hazard area.

(e)1. Except for a development order rendered pursuant to subsection (22) or subsection (25), a proposed change to a development order that individually or cumulatively with any previous change is less than any numerical criterion contained in subparagraphs (b)1.-16. ~~(b)1.-15.~~ and does not exceed any other criterion, or that involves an extension of the buildout date of a development, or any phase thereof, of less than 5 years is not subject to the public hearing requirements of subparagraph (f)3., and is not subject to a determination pursuant to subparagraph (f)5. Notice of the proposed change shall be made to the regional planning council and the state land planning agency. Such notice shall include a description of previous individual changes made to the development, including changes previously approved by the local government, and shall include appropriate amendments to the development order.

2. The following changes, individually or cumulatively with any previous changes, are not substantial deviations:

a. Changes in the name of the project, developer, owner, or monitoring official.

b. Changes to a setback that do not affect noise buffers, environmental protection or mitigation areas, or archaeological or historical resources.

c. Changes to minimum lot sizes.

d. Changes in the configuration of internal roads that do not affect external access points.

e. Changes to the building design or orientation that stay approximately within the approved area designated for such building and parking lot, and which do not affect historical buildings designated as significant by the Division of Historical Resources of the Department of State.

f. Changes to increase the acreage in the development, provided that no development is proposed on the acreage to be added.

g. Changes to eliminate an approved land use, provided that there are no additional regional impacts.

h. Changes required to conform to permits approved by any federal, state, or regional permitting agency, provided that these changes do not create additional regional impacts.

i. Any renovation or redevelopment of development within a previously approved development of regional impact which does not change land use or increase density or intensity of use.

j. Any other change which the state land planning agency agrees in writing is similar in nature, impact, or character to the changes enumerated in sub-subparagraphs a.-i. and which does not create the likelihood of any additional regional impact.

This subsection does not require a development order amendment for any change listed in sub-subparagraphs a.-j. unless such issue is addressed either in the existing development order or in the application for development approval, but, in the case of the application, only if, and in the manner in which, the application is incorporated in the development order.

3. Except for the change authorized by sub-subparagraph 2.f., any addition of land not previously reviewed or any change not specified in paragraph (b) or paragraph (c) shall be presumed to create a substantial deviation. This presumption may be rebutted by clear and convincing evidence.

4. Any submittal of a proposed change to a previously approved development shall include a description of individual changes previously made to the development, including changes previously approved by the local government. The local government shall consider the previous and current proposed changes in deciding whether such changes cumulatively constitute a substantial deviation requiring further development-of-regional-impact review.

5. The following changes to an approved development of regional impact shall be presumed to create a substantial deviation. Such presumption may be rebutted by clear and convincing evidence.

a. A change proposed for 15 percent or more of the acreage to a land use not previously approved in the development order. Changes of less than 15 percent shall be presumed not to create a substantial deviation.

b. Except for the types of uses listed in subparagraph (b)17. ~~(b)16.~~, any change which would result in the development of any area which was specifically set aside in the application for development approval or in the development order for preservation, buffers, or special protection, including habitat for plant and animal species, archaeological and historical sites, dunes, and other special areas.

c. Notwithstanding any provision of paragraph (b) to the contrary, a proposed change consisting of simultaneous increases and decreases of at least two of the uses within an authorized multiuse development of regional impact which was originally approved with three or more uses specified in s. 380.0651(3)(c), (d), (f), and (g) and residential use.

(i) An increase in the number of residential dwelling units shall not constitute a substantial deviation and shall not be subject to development-of-regional-impact review for additional impacts, provided that all the residential dwelling units are dedicated to affordable workforce housing and the total number of new residential units does not exceed 200 percent of the substantial deviation threshold. The affordable workforce housing shall be subject to a recorded land use restriction that shall be for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for income-eligible homeowners and renters. For purposes of this paragraph, the term "affordable workforce housing" means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For purposes of this paragraph, the term "statewide median purchase price of a single-family existing home" means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.

Section 13. Paragraph (k) of subsection (3) of section 380.0651, Florida Statutes, is redesignated as paragraph (l), and a new paragraph (k) is added to that subsection, to read:

380.0651 Statewide guidelines and standards.--

(3) The following statewide guidelines and standards shall be applied in the manner described in s. 380.06(2) to determine whether the following developments shall be required to undergo development-of-regional-impact review:

(k) Workforce housing.--The applicable guidelines for residential development and the residential component for multiuse development shall be increased by 50 percent where the developer demonstrates that at least 15 percent of the total residential dwelling units authorized within the

development of regional impact will be dedicated to affordable workforce housing, subject to a recorded land use restriction that shall be for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for income-eligible homeowners and renters and provisions for the workforce housing to be commenced prior to the completion of 50 percent of the market rate dwelling. For purposes of this paragraph, the term "affordable workforce housing" means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For the purposes of this paragraph, the term "statewide median purchase price of a single-family existing home" means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.

Section 14. Section 420.0004, Florida Statutes, is amended to read:

420.0004 Definitions.--As used in this part, unless the context otherwise indicates:

(1) "Adjusted for family size" means adjusted in a manner which results in an income eligibility level which is lower for households with fewer than four people, or higher for households with more than four people, than the base income eligibility determined as provided in subsection (8), subsection (10) ~~(9)~~, subsection (11) ~~(10)~~, or subsection (15) ~~(14)~~, based upon a formula as established by the United States Department of Housing and Urban Development.

(2) "Adjusted gross income" means all wages, assets, regular cash or noncash contributions or gifts from persons outside the household, and such other resources and benefits as may be determined to be income by the United States Department of Housing and Urban Development, adjusted for family size, less deductions allowable under s. 62 of the Internal Revenue Code.

(3) "Affordable" means that monthly rents or monthly mortgage payments including taxes, insurance, and utilities do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for the households as indicated in subsection (8), subsection (10) ~~(9)~~, subsection (11) ~~(10)~~, or subsection (15) ~~(14)~~.

(4) "Corporation" means the Florida Housing Finance Corporation.

(5) "Community-based organization" or "nonprofit organization" means a private corporation organized under chapter 617 to assist in the provision of housing and related services on a not-for-profit basis and which is acceptable to federal and state agencies and financial institutions as a sponsor of low-income housing.

(6) "Department" means the Department of Community Affairs.

(7) "Elderly" describes persons 62 years of age or older.

(8) "Extremely-low-income persons" means one or more natural persons or a family whose total annual household income does not exceed 30 percent of the median annual adjusted gross income for households within the state. The Florida Housing Finance Corporation may adjust this amount annually by rule to provide that in lower income counties, extremely-low-income may exceed 30 percent of area median income and that in higher income counties, extremely-low-income may be less than 30 percent of area median income.

(9)~~(8)~~ "Local public body" means any county, municipality, or other political subdivision, or any housing authority as provided by chapter 421, which is eligible to sponsor or develop housing for farmworkers and very-low-income and low-income persons within its jurisdiction.

(10)~~(9)~~ "Low-income persons" means one or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 80 percent of the median annual adjusted gross income for households within the state, or 80 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.

(11)~~(10)~~ "Moderate-income persons" means one or more natural persons or a family, the total annual adjusted gross household income of which is less than 120 percent of the median annual adjusted gross income for households within the state, or 120 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.

(12)~~(11)~~ "Student" means any person not living with his or her parent or guardian who is eligible to be claimed by his or her parent or guardian as a dependent under the federal income tax code and who is enrolled on at least a half-time basis in a secondary school, career center, community college, college, or university.

(13)~~(12)~~ "Substandard" means:

(a) Any unit lacking complete plumbing or sanitary facilities for the exclusive use of the occupants;

(b) A unit which is in violation of one or more major sections of an applicable housing code and where such violation poses a serious threat to the health of the occupant; or

(c) A unit that has been declared unfit for human habitation but that could be rehabilitated for less than 50 percent of the property value.

(14)~~(13)~~ "Substantial rehabilitation" means repair or restoration of a dwelling unit where the value of such repair or restoration exceeds 40 percent of the value of the dwelling.

(15)~~(14)~~ "Very-low-income persons" means one or more natural persons or a family, not including students, the total annual adjusted gross household income of which does not exceed 50 percent of the median annual adjusted gross income for households within the state, or 50 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.

Section 15. Subsection (18) of section 420.503, Florida Statutes, is amended to read:

420.503 Definitions.--As used in this part, the term:

(18)(a) "Farmworker" means a laborer who is employed on a seasonal, temporary, or permanent basis in the planting, cultivating, harvesting, or processing of agricultural or aquacultural products and who derived at least 50 percent of her or his income in the immediately preceding 12 months from such employment.

(b) "Farmworker" ~~also~~ includes a person who has retired as a laborer due to age, disability, or illness. In order to be considered retired as a farmworker due to age under this part, a person must be 50 years of age or older and must have been employed for a minimum of 5 years as a farmworker before retirement. In order to be considered retired as a farmworker due to disability or illness, a person must:

1.~~(a)~~ Establish medically that she or he is unable to be employed as a farmworker due to that disability or illness.

2.~~(b)~~ Establish that she or he was previously employed as a farmworker.

(c) Notwithstanding paragraphs (a) and (b), when corporation-administered funds are used in conjunction with United States Department of Agriculture Rural Development funds, the term "farmworker" may mean a laborer who meets, at a minimum, the definition of "domestic farm laborer" as found in 7 C.F.R. s. 3560.11, as amended. The corporation may establish additional criteria by rule.

Section 16. Section 420.5061, Florida Statutes, is amended to read:

420.5061 Transfer of agency assets and liabilities.--Effective January 1, 1998, all assets and liabilities and rights and obligations, including any outstanding contractual obligations, of the agency shall be transferred to the corporation as legal successor in all respects to the agency. The corporation shall thereupon become obligated to the same extent as the agency under any existing agreements and be entitled to any rights and remedies previously afforded the agency by law or contract, including specifically the rights of the agency under chapter 201 and part VI of chapter 159. The corporation is a state agency for purposes of s. 159.807(4)(a). Effective January 1, 1998, all references under Florida law to the agency are deemed to mean the corporation. The corporation shall transfer to the General Revenue Fund an amount which otherwise would have been deducted as a service charge pursuant to s. 215.20(1) if the Florida Housing Finance Corporation Fund established by s. 420.508(5), the State Apartment Incentive Loan Fund established by s. 420.5087(7), the Florida Homeownership Assistance Fund established by s. 420.5088(4)~~(5)~~, the HOME Investment Partnership Fund established by s. 420.5089(1), and the Housing Predevelopment Loan Fund established by s. 420.525(1) were each trust funds. For purposes of s.

112.313, the corporation is deemed to be a continuation of the agency, and the provisions thereof are deemed to apply as if the same entity remained in place. Any employees of the agency and agency board members covered by s. 112.313(9)(a)6. shall continue to be entitled to the exemption in that subparagraph, notwithstanding being hired by the corporation or appointed as board members of the corporation. Effective January 1, 1998, all state property in use by the agency shall be transferred to and become the property of the corporation.

Section 17. Subsections (22), (23), and (40) of section 420.507, Florida Statutes, are amended, and subsections (44) and (45) are added to that section, to read:

420.507 Powers of the corporation.--The corporation shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, including the following powers which are in addition to all other powers granted by other provisions of this part:

(22) To develop and administer the State Apartment Incentive Loan Program. In developing and administering that program, the corporation may:

(a) Make first, second, and other subordinated mortgage loans including variable or fixed rate loans subject to contingent interest for all State Apartment Incentive Loans provided for in this chapter based upon available cash flow of the projects. The corporation shall make loans exceeding 25 percent of project cost available only to nonprofit organizations and public bodies which are able to secure grants, donations of land, or contributions from other sources and to projects meeting the criteria of subparagraph 1. Mortgage loans shall be made available at the following rates of interest:

1. Zero to 3 percent interest for sponsors of projects that set aside at least ~~maintain an~~ 80 percent ~~occupancy~~ of their total units for residents qualifying as farmworkers as defined in this part ~~s. 420.503(18)~~, or commercial fishing workers as defined in this part ~~s. 420.503(5)~~, or the homeless as defined in s. 420.621(4) over the life of the loan.

2. Zero to 3 percent interest based on the pro rata share of units set aside for homeless residents if the total of such units is less than 80 percent of the units in the borrower's project.

3. One ~~Three~~ to 9 percent interest for sponsors of projects targeted at populations other than farmworkers, commercial fishing workers, and the homeless.

(b) Make loans exceeding 25 percent of project cost when the project serves extremely-low-income persons.

(c) Forgive indebtedness for a share of the loan attributable to the units in a project reserved for extremely-low-income persons.

(d)~~(b)~~ Geographically and demographically target the utilization of loans.

(e)~~(c)~~ Underwrite credit, and reject projects which do not meet the established standards of the corporation.

(f)~~(d)~~ Negotiate with governing bodies within the state after a loan has been awarded to obtain local government contributions.

(g)~~(e)~~ Inspect any records of a sponsor at any time during the life of the loan or the agreed period for maintaining the provisions of s. 420.5087.

(h)~~(f)~~ Establish, by rule, the procedure for evaluating, scoring, and competitively ranking all applications based on the criteria set forth in s. 420.5087(6)(c); determining actual loan amounts; making and servicing loans; and exercising the powers authorized in this subsection.

(i)~~(g)~~ Establish a loan loss insurance reserve to be used to protect the outstanding program investment in case of a default, deed in lieu of foreclosure, or foreclosure of a program loan.

(23) To develop and administer the Florida Homeownership Assistance Program. In developing and administering the program, the corporation may:

(a)1. Make subordinated loans to eligible borrowers for down payments or closing costs related to the purchase of the borrower's primary residence.

2. Make permanent loans to eligible borrowers related to the purchase of the borrower's primary residence.

3. Make subordinated loans to nonprofit sponsors or developers of housing for purchase of property, for construction, or for financing of housing to be offered for sale to eligible borrowers as a primary residence at an affordable price.

(b) Establish a loan loss insurance reserve to supplement existing sources of mortgage insurance with appropriated funds.

(c) Geographically and demographically target the utilization of loans.

(d) Defer repayment of loans for the term of the first mortgage.

(e) Establish flexible terms for loans with an interest rate not to exceed 3 percent per annum and which are nonamortizing for the term of the first mortgage.

(f) Require repayment of loans upon sale, transfer, refinancing, or rental of secured property, unless otherwise approved by the corporation.

(g) Accelerate a loan for monetary default, for failure to provide the benefits of the loans to eligible borrowers, or for violation of any other restriction placed upon the loan.

(h) Adopt rules for the program and exercise the powers authorized in this subsection.

(40) To establish subsidiary business entities ~~corporations~~ for the purpose of taking title to and managing and disposing of property acquired by the corporation. Such subsidiary business entities ~~corporations~~ shall be public business entities ~~corporations~~ wholly owned by the corporation; shall be entitled to own, mortgage, and sell property on the same basis as the corporation; and shall be deemed business entities ~~corporations~~ primarily acting as an agent ~~agents~~ of the state, within the meaning of s. 768.28, on the same basis as the corporation. Any subsidiary business entity created by the corporation shall be subject to chapters 119, 120, and 286 to the same extent as the corporation. The subsidiary business entities shall have authority to make rules necessary to conduct business and to carry out the purposes of this subsection.

(44) To adopt rules for the intervention and negotiation of terms or other actions necessary to further program goals or avoid default of a program loan. Such rules must consider fiscal program goals and the preservation or advancement of affordable housing for the state.

(45) To establish by rule requirements for periodic reporting of data, including, but not limited to, financial data, housing market data, detailed economic and physical occupancy on multifamily projects, and demographic data on all housing financed through corporation programs and for participation in a housing locator system.

Section 18. Subsections (1), (3), (5), and (6) of section 420.5087, Florida Statutes, are amended to read:

420.5087 State Apartment Incentive Loan Program.--There is hereby created the State Apartment Incentive Loan Program for the purpose of providing first, second, or other subordinated mortgage loans or loan guarantees to sponsors, including for-profit, nonprofit, and public entities, to provide housing affordable to very-low-income persons.

(1) Program funds shall be distributed over successive 3-year periods in a manner that meets the need and demand for very-low-income housing throughout the state. That need and demand must be determined by using the most recent statewide low-income rental housing market studies available at the beginning of each 3-year period. However, at least 10 percent of the program funds distributed during a 3-year period must be allocated to each of the following categories of counties, as determined by using the population statistics published in the most recent edition of the Florida Statistical Abstract:

(a) Counties that have a population of 825,000 or more. ~~more than 500,000 people;~~

(b) Counties that have a population of more than ~~between~~ 100,000 but less than 825,000. ~~and 500,000 people; and~~

(c) Counties that have a population of 100,000 or less.

Any increase in funding required to reach the 10-percent minimum shall be taken from the county category that has the largest allocation. The corporation shall adopt rules which establish an equitable process for distributing any portion of the 10 percent of program funds allocated to the county categories specified in this subsection which remains unallocated at the end of a 3-year period. Counties that have a population of 100,000 or less shall be given preference under these rules.

(3) During the first 6 months of loan or loan guarantee availability, program funds shall be reserved for use by sponsors who provide the housing set-aside required in subsection (2) for the tenant groups designated in this subsection. The reservation of funds to each of these groups shall be determined using the most recent statewide very-low-income rental housing market study available at the time of publication of each notice of fund

availability required by paragraph (6)(b). The reservation of funds within each notice of fund availability to the tenant groups in paragraphs (a), (b), and (d) may not be less than 10 percent of the funds available at that time. Any increase in funding required to reach the 10-percent minimum shall be taken from the tenant group that has the largest reservation. The reservation of funds within each notice of fund availability to the tenant group in paragraph (c) may not be less than 5 percent of the funds available at that time. The tenant groups are:

(a) Commercial fishing workers and farmworkers;

(b) Families;

(c) Persons who are homeless; and

(d) Elderly persons. Ten percent of the amount reserved for the elderly shall be reserved to provide loans to sponsors of housing for the elderly for the purpose of making building preservation, health, or sanitation repairs or improvements which are required by federal, state, or local regulation or code, or lifesafety or security-related repairs or improvements to such housing. Such a loan may not exceed $750,000 per housing community for the elderly. In order to receive the loan, the sponsor of the housing community must make a commitment to match at least 5 ~~15~~ percent of the loan amount to pay the cost of such repair or improvement. The corporation shall establish the rate of interest on the loan, which may not exceed 3 percent, and the term of the loan, which may not exceed 15 years; however, if the lien of the corporation's encumbrance is subordinate to the lien of another mortgagee, then the term may be made coterminous with the longest term of the superior lien. The term of the loan shall be established on the basis of a credit analysis of the applicant. The corporation shall establish, by rule, the procedure and criteria for receiving, evaluating, and competitively ranking all applications for loans under this paragraph. A loan application must include evidence of the first mortgagee's having reviewed and approved the sponsor's intent to apply for a loan. A nonprofit organization or sponsor may not use the proceeds of the loan to pay for administrative costs, routine maintenance, or new construction.

(5) The amount of the mortgage provided under this program combined with any other mortgage in a superior position shall be less than the value of the project without the housing set-aside required by subsection (2). However, the corporation may waive this requirement for projects in rural areas or urban infill areas which have market rate rents that are less than the allowable rents pursuant to applicable state and federal guidelines, and for projects which reserve units for extremely-low-income persons. In no event shall the mortgage provided under this program combined with any other mortgage in a superior position exceed total project cost.

(6) On all state apartment incentive loans, except loans made to housing communities for the elderly to provide for lifesafety, building preservation, health, sanitation, or security-related repairs or improvements, the following provisions shall apply:

(a) The corporation shall establish two interest rates in accordance with s. 420.507(22)(a)1. and 3. ~~2.~~

(b) The corporation shall publish a notice of fund availability in a publication of general circulation throughout the state. Such notice shall be published at least 60 days prior to the application deadline and shall provide notice of the temporary reservations of funds established in subsection (3).

(c) The corporation shall provide by rule for the establishment of a review committee composed of the department and corporation staff and shall establish by rule a scoring system for evaluation and competitive ranking of applications submitted in this program, including, but not limited to, the following criteria:

1. Tenant income and demographic targeting objectives of the corporation.

2. Targeting objectives of the corporation which will ensure an equitable distribution of loans between rural and urban areas.

3. Sponsor's agreement to reserve the units for persons or families who have incomes below 50 percent of the state or local median income, whichever is higher, for a time period to exceed the minimum required by federal law or the provisions of this part.

4. Sponsor's agreement to reserve more than:

a. Twenty percent of the units in the project for persons or families who have incomes that do not exceed 50 percent of the state or local median income, whichever is higher; or

b. Forty percent of the units in the project for persons or families who have incomes that do not exceed 60 percent of the state or local median income, whichever is higher, without requiring a greater amount of the loans as provided in this section.

5. Provision for tenant counseling.

6. Sponsor's agreement to accept rental assistance certificates or vouchers as payment for rent~~; however, when certificates or vouchers are accepted as payment for rent on units set aside pursuant to subsection (2), the benefit must be divided between the corporation and the sponsor, as provided by corporation rule~~.

7. Projects requiring the least amount of a state apartment incentive loan compared to overall project cost except that the share of the loan attributable to units serving extremely-low-income persons shall be excluded from this requirement.

8. Local government contributions and local government comprehensive planning and activities that promote affordable housing.

9. Project feasibility.

10. Economic viability of the project.

11. Commitment of first mortgage financing.

12. Sponsor's prior experience.

13. Sponsor's ability to proceed with construction.

14. Projects that directly implement or assist welfare-to-work transitioning.

15. Projects that reserve units for extremely-low-income persons.

(d) The corporation may reject any and all applications.

(e) The corporation may approve and reject applications for the purpose of achieving geographic targeting.

(f) The review committee established by corporation rule pursuant to this subsection shall make recommendations to the board of directors of the corporation regarding program participation under the State Apartment Incentive Loan Program. The corporation board shall make the final ranking and the decisions regarding which applicants shall become program participants based on the scores received in the competitive ranking, further review of applications, and the recommendations of the review committee. The corporation board shall approve or reject applications for loans and shall determine the tentative loan amount available to each applicant selected for participation in the program. The actual loan amount shall be determined pursuant to rule adopted pursuant to s. 420.507(22)(h)~~(f)~~.

(g) The loan term shall be for a period of not more than 15 years; however, if both a program loan and federal low-income housing tax credits are to be used to assist a project, the corporation may set the loan term for a period commensurate with the investment requirements associated with the tax credit syndication. The term of the loan may also exceed 15 years; however, if the lien of the corporation's encumbrance is subordinate to the lien of another mortgagee, then the term may be made coterminous with the longest term of the superior lien ~~necessary to conform to requirements of the Federal National Mortgage Association~~. The corporation may renegotiate and extend the loan in order to extend the availability of housing for the targeted population. The term of a loan may not extend beyond the period for which the sponsor agrees to provide the housing set-aside required by subsection (2).

(h) The loan shall be subject to sale, transfer, or refinancing. The sale, transfer, or refinancing of the loan shall be consistent with fiscal program goals and the preservation or advancement of affordable housing for the state. ~~However, all requirements and conditions of the loan shall remain following sale, transfer, or refinancing.~~

(i) The discrimination provisions of s. 420.516 shall apply to all loans.

(j) The corporation may require units dedicated for the elderly.

(k) Rent controls shall not be allowed on any project except as required in conjunction with the issuance of tax-exempt bonds or federal low-income housing tax credits and except when the sponsor has committed to set aside units for extremely-low-income persons, in which case rents shall be restricted at the level applicable for federal low-income tax credits.

(l) The proceeds of all loans shall be used for new construction or substantial rehabilitation which creates affordable, safe, and sanitary housing units.

(m) Sponsors shall annually certify the adjusted gross income of all persons or families qualified under subsection (2) at the time of initial

occupancy, who are residing in a project funded by this program. All persons or families qualified under subsection (2) may continue to qualify under subsection (2) in a project funded by this program if the adjusted gross income of those persons or families at the time of annual recertification meets the requirements established in s. 142(d)(3)(B) of the Internal Revenue Code of 1986, as amended. If the annual recertification of persons or families qualifying under subsection (2) results in noncompliance with income occupancy requirements, the next available unit must be rented to a person or family qualifying under subsection (2) in order to ensure continuing compliance of the project. The corporation may waive the annual recertification if 100 percent of the units are set aside as affordable.

(n) Upon submission and approval of a marketing plan which demonstrates a good faith effort of a sponsor to rent a unit or units to persons or families reserved under subsection (3) and qualified under subsection (2), the sponsor may rent such unit or units to any person or family qualified under subsection (2) notwithstanding the reservation.

(o) Sponsors may participate in federal mortgage insurance programs and must abide by the requirements of those programs. If a conflict occurs between the requirements of federal mortgage insurance programs and the requirements of this section, the requirements of federal mortgage insurance programs shall take precedence.

Section 19. Section 420.5088, Florida Statutes, is amended to read:

420.5088 Florida Homeownership Assistance Program.--There is created the Florida Homeownership Assistance Program for the purpose of assisting low-income and moderate-income persons in purchasing a home as their primary residence by reducing the cost of the home with below-market construction financing, by reducing the amount of down payment and closing costs paid by the borrower to a maximum of 5 percent of the purchase price, or by reducing the monthly payment to an affordable amount for the purchaser. Loans shall be made available at an interest rate that does not exceed 3 percent. The balance of any loan is due at closing if the property is sold, refinanced, rented, or transferred, unless otherwise approved by the corporation.

(1) For loans made available pursuant to s. 420.507(23)(a)1. or 2.:

(a) The corporation may underwrite and make those mortgage loans through the program to persons or families who have incomes that do not exceed 120 ~~80~~ percent of the state or local median income, whichever is greater, adjusted for family size.

(b) Loans shall be made available for the term of the first mortgage.

(c) Loans may not exceed ~~are limited to~~ the lesser of 35 ~~25~~ percent of the purchase price of the home or the amount necessary to enable the purchaser to meet credit underwriting criteria.

(2) For loans made pursuant to s. 420.507(23)(a)3.:

(a) Availability is limited to nonprofit sponsors or developers who are selected for program participation pursuant to this subsection.

(b) Preference must be given ~~to community development corporations as defined in s. 290.033 and~~ to community-based organizations as defined in s. 420.503.

(c) Priority must be given to projects that have received state assistance in funding project predevelopment costs.

(d) The benefits of making such loans shall be contractually provided to the persons or families purchasing homes financed under this subsection.

(e) At least 30 percent of the units in a project financed pursuant to this subsection must be sold to persons or families who have incomes that do not exceed 80 percent of the state or local median income, whichever amount is greater, adjusted for family size; and at least another 30 percent of the units in a project financed pursuant to this subsection must be sold to persons or families who have incomes that do not exceed 65 ~~50~~ percent of the state or local median income, whichever amount is greater, adjusted for family size.

(f) The maximum loan amount may not exceed 33 percent of the total project cost.

(g) A person who purchases a home in a project financed under this subsection is eligible for a loan authorized by s. 420.507(23)(a)1. or 2. in an aggregate amount not exceeding the construction loan made pursuant to this subsection. The home purchaser must meet all the requirements for loan recipients established pursuant to the applicable loan program.

(h) The corporation shall provide, by rule, for the establishment of a review committee composed of corporation staff and shall establish, by rule, a scoring system for evaluating and ranking applications submitted for construction loans under this subsection, including, but not limited to, the following criteria:

1. The affordability of the housing proposed to be built.

2. The direct benefits of the assistance to the persons who will reside in the proposed housing.

3. The demonstrated capacity of the applicant to carry out the proposal, including the experience of the development team.

4. The economic feasibility of the proposal.

5. The extent to which the applicant demonstrates potential cost savings by combining the benefits of different governmental programs and private initiatives, including the local government contributions and local government comprehensive planning and activities that promote affordable housing.

6. The use of the least amount of program loan funds compared to overall project cost.

7. The provision of homeownership counseling.

8. The applicant's agreement to exceed the requirements of paragraph (e).

9. The commitment of first mortgage financing for the balance of the construction loan and for the permanent loans to the purchasers of the housing.

10. The applicant's ability to proceed with construction.

11. The targeting objectives of the corporation which will ensure an equitable distribution of loans between rural and urban areas.

12. The extent to which the proposal will further the purposes of this program.

(i) The corporation may reject any and all applications.

(j) The review committee established by corporation rule pursuant to this subsection shall make recommendations to the corporation board regarding program participation under this subsection. The corporation board shall make the final ranking for participation based on the scores received in the ranking, further review of the applications, and the recommendations of the review committee. The corporation board shall approve or reject applicants for loans and shall determine the tentative loan amount available to each program participant. The final loan amount shall be determined pursuant to rule adopted under s. 420.507(23)(h).

(3) The corporation shall publish a notice of fund availability in a publication of general circulation throughout the state at least 60 days prior to the anticipated availability of funds.

~~(4) During the first 9 months of fund availability:~~

~~(a) Sixty percent of the program funds shall be reserved for use by borrowers pursuant to s. 420.507(23)(a)1.;~~

~~(b) Twenty percent of the program funds shall be reserved for use by borrowers pursuant to s. 420.507(23)(a)2.; and~~

~~(c) Twenty percent of the program funds shall be reserved for use by borrowers pursuant to s. 420.507(23)(a)3.~~

~~If the application of these percentages would cause the reservation of program funds under paragraph (a) to be less than $1 million, the reservation for paragraph (a) shall be increased to $1 million or all available funds, whichever amount is less, with the increase to be accomplished by reducing the reservation for paragraph (b) and, if necessary, paragraph (c).~~

(4)~~(5)~~ There is authorized to be established by the corporation with a qualified public depository meeting the requirements of chapter 280 the Florida Homeownership Assistance Fund to be administered by the corporation according to the provisions of this program. Any amounts held in the Florida Homeownership Assistance Trust Fund for such purposes as of January 1, 1998, must be transferred to the corporation for deposit in the Florida Homeownership Assistance Fund, whereupon the Florida Homeownership Assistance Trust Fund must be closed. There shall be deposited in the fund moneys from the State Housing Trust Fund created by s. 420.0005, or moneys received from any other source, for the purpose of this program and all proceeds derived from the use of such moneys. In addition, all unencumbered funds, loan repayments, proceeds from the sale of any property, and any other proceeds that would otherwise accrue pursuant to the activities of the programs described in this section shall be transferred to this fund. In addition, all loan repayments, proceeds from the sale of any property, and any other proceeds that would otherwise accrue pursuant to the activities

conducted under the provisions of the Florida Homeownership Assistance Program shall be deposited in the fund and shall not revert to the General Revenue Fund. Expenditures from the Florida Homeownership Assistance Fund shall not be required to be included in the corporation's budget request or be subject to appropriation by the Legislature.

(5)~~(6)~~ No more than one-fifth of the funds available in the Florida Homeownership Assistance Fund may be made available to provide loan loss insurance reserve funds to facilitate homeownership for eligible persons.

Section 20. Sections 420.37 and 420.530, Florida Statutes, are repealed.

Section 21. Subsection (25) of section 420.9071, Florida Statutes, is amended to read:

420.9071 Definitions.--As used in ss. 420.907-420.9079, the term:

(25) "Recaptured funds" means funds that are recouped by a county or eligible municipality in accordance with the recapture provisions of its local housing assistance plan pursuant to s. 420.9075(5)~~(4)~~(g) from eligible persons or eligible sponsors who default on the terms of a grant award or loan award.

Section 22. Subsection (2) of section 420.9072, Florida Statutes, is amended to read:

420.9072 State Housing Initiatives Partnership Program.--The State Housing Initiatives Partnership Program is created for the purpose of providing funds to counties and eligible municipalities as an incentive for the creation of local housing partnerships, to expand production of and preserve affordable housing, to further the housing element of the local government comprehensive plan specific to affordable housing, and to increase housing-related employment.

(2)(a) To be eligible to receive funds under the program, a county or eligible municipality must:

1. Submit to the corporation its local housing assistance plan describing the local housing assistance strategies established pursuant to s. 420.9075;

2. Within 12 months after adopting the local housing assistance plan, amend the plan to incorporate the local housing incentive strategies defined in s. 420.9071(16) and described in s. 420.9076; and

3. Within 24 months after adopting the amended local housing assistance plan to incorporate the local housing incentive strategies, amend its land development regulations or establish local policies and procedures, as necessary, to implement the local housing incentive strategies adopted by the local governing body. A county or an eligible municipality that has adopted a housing incentive strategy pursuant to s. 420.9076 before the effective date of this act shall review the status of implementation of the plan according to its adopted schedule for implementation and report its findings in the annual report required by s. 420.9075(10)~~(9)~~. If as a result of the review, a county or an eligible municipality determines that the implementation is complete and in accordance with its schedule, no further action is necessary. If a county or an eligible municipality determines that implementation according to its schedule is not complete, it must amend its land development regulations or establish local policies and procedures, as necessary, to implement the housing incentive plan within 12 months after the effective date of this act, or if extenuating circumstances prevent implementation within 12 months, pursuant to s. 420.9075(13)~~(12)~~, enter into an extension agreement with the corporation.

(b) A county or an eligible municipality seeking approval to receive its share of the local housing distribution must adopt an ordinance containing the following provisions:

1. Creation of a local housing assistance trust fund as described in s. 420.9075(6)~~(5)~~.

2. Adoption by resolution of a local housing assistance plan as defined in s. 420.9071(14) to be implemented through a local housing partnership as defined in s. 420.9071(18).

3. Designation of the responsibility for the administration of the local housing assistance plan. Such ordinance may also provide for the contracting of all or part of the administrative or other functions of the program to a third person or entity.

4. Creation of the affordable housing advisory committee as provided in s. 420.9076.

The ordinance must not take effect until at least 30 days after the date of formal adoption. Ordinances in effect prior to the effective date of amendments to this section shall be amended as needed to conform to new provisions.

Section 23. Paragraph (c) of present subsection (4) of section 420.9075, Florida Statutes, is amended, subsections (3) through (12) are renumbered as subsections (4) through (13), respectively, and a new subsection (3) is added to that section, to read:

420.9075 Local housing assistance plans; partnerships.--

(3)(a) Each local housing assistance plan shall include a definition of essential service personnel for the county or eligible municipality, including, but not limited to, teachers and educators, other school district, community college, and university employees, police and fire personnel, health care personnel, skilled building trades personnel, and other job categories.

(b) Each county and each eligible municipality is encouraged to develop a strategy within its local housing assistance plan that emphasizes the recruitment and retention of essential service personnel. The local government is encouraged to involve public and private sector employers. Compliance with the eligibility criteria established under this strategy shall be verified by the county or eligible municipality.

(c) Each county and each eligible municipality is encouraged to develop a strategy within its local housing assistance plan that addresses the needs of persons who are deprived of affordable housing due to the closure of a mobile home park or the conversion of affordable rental units to condominiums.

(5)~~(4)~~ The following criteria apply to awards made to eligible sponsors or eligible persons for the purpose of providing eligible housing:

(c) The sales price or value of new or existing eligible housing may not exceed 90 percent of the average area purchase price in the statistical area in which the eligible housing is located. Such average area purchase price may be that calculated for any 12-month period beginning not earlier than the fourth calendar year prior to the year in which the award occurs or as otherwise established by the United States Department of the Treasury.

If both an award under the local housing assistance plan and federal low-income housing tax credits are used to assist a project and there is a conflict between the criteria prescribed in this subsection and the requirements of s. 42 of the Internal Revenue Code of 1986, as amended, the county or eligible municipality may resolve the conflict by giving precedence to the requirements of s. 42 of the Internal Revenue Code of 1986, as amended, in lieu of following the criteria prescribed in this subsection with the exception of paragraphs (a) and (d) of this subsection.

Section 24. Subsection (6) of section 420.9076, Florida Statutes, is amended to read:

420.9076 Adoption of affordable housing incentive strategies; committees.--

(6) Within 90 days after the date of receipt of the local housing incentive strategies recommendations from the advisory committee, the governing body of the appointing local government shall adopt an amendment to its local housing assistance plan to incorporate the local housing incentive strategies it will implement within its jurisdiction. The amendment must include, at a minimum, the local housing incentive strategies specified ~~as defined~~ in paragraphs (4)(a)-(j) ~~s. 420.9071(16)~~.

Section 25. Subsection (2) of section 420.9079, Florida Statutes, is amended to read:

420.9079 Local Government Housing Trust Fund.--

(2) The corporation shall administer the fund exclusively for the purpose of implementing the programs described in ss. 420.907-420.9078 and this section. With the exception of monitoring the activities of counties and eligible municipalities to determine local compliance with program requirements, the corporation shall not receive appropriations from the fund for administrative or personnel costs. For the purpose of implementing the compliance monitoring provisions of s. 420.9075(9)~~(8)~~, the corporation may request a maximum of one-quarter of 1 percent of the annual appropriation ~~$200,000~~ per state fiscal year. When such funding is appropriated, the corporation shall deduct the amount appropriated prior to calculating the local housing distribution pursuant to ss. 420.9072 and 420.9073.

Section 26. Subsection (12) of section 1001.43, Florida Statutes, is renumbered as subsection (13), and a new subsection (12) is added to that section, to read:

1001.43 Supplemental powers and duties of district school board.--The district school board may exercise the following supplemental powers and duties as authorized by this code or State Board of Education rule.

(12) AFFORDABLE HOUSING.--A district school board may use portions of school sites purchased within the guidelines of the State Requirements for Educational Facilities, land deemed not usable for educational purposes because of location or other factors, or land declared as surplus by the board to provide sites for affordable housing for teachers and other district personnel independently or in conjunction with other agencies as described in subsection (5).

Section 27. Community Workforce Housing Innovation Pilot Program.--

(1) The Legislature finds and declares that recent rapid increases in the median purchase price of a home and the cost of rental housing have far outstripped the increases in median income in the state, preventing essential services personnel from living in the communities where they serve and thereby creating the need for innovative solutions for the provision of housing opportunities for essential services personnel.

(2) The Community Workforce Housing Innovation Pilot Program is created to provide affordable rental and home ownership community workforce housing for essential services personnel affected by the high cost of housing, using regulatory incentives and state and local funds to promote local public-private partnerships and leverage government and private resources.

(3) For purposes of this section, the following definitions apply:

(a) "Workforce housing" means housing affordable to natural persons or families whose total annual household income does not exceed 140 percent of the area median income, adjusted for household size, or 150 percent of area median income, adjusted for household size, in areas of critical state concern designated under s. 380.05, Florida Statutes, for which the Legislature has declared its intent to provide affordable housing, and areas that were designated as areas of critical state concern for at least 20 consecutive years prior to removal of the designation.

(b) "Essential services personnel" means persons in need of affordable housing who are employed in occupations or professions in which they are considered essential services personnel, as defined by each county and eligible municipality within its respective local housing assistance plan pursuant to s. 420.9075(3)(a), Florida Statutes.

(c) "Public-private partnership" means any form of business entity that includes substantial involvement of at least one county, one municipality, or one public sector entity, such as a school district or other unit of local government in which the project is to be located, and at least one private sector for-profit or not-for-profit business or charitable entity, and may be any form of business entity, including a joint venture or contractual agreement.

(4) The Florida Housing Finance Corporation is authorized to provide Community Workforce Housing Innovation Pilot Program loans to an applicant for construction or rehabilitation of workforce housing in eligible areas. The corporation shall establish a funding process and selection criteria by rule or request for proposals. This funding is intended to be used with other public and private sector resources.

(5) The corporation shall provide incentives for local governments in eligible areas to use local affordable housing funds, such as those from the State Housing Initiatives Partnership Program, to assist in meeting the affordable housing needs of persons eligible under this program.

(6) Funding shall be targeted to projects in areas where the disparity between the area median income and the median sales price for a single-family home is greatest, and for projects in areas where population growth as a percentage rate of increase is greatest. The corporation may also fund projects in areas where innovative regulatory and financial incentives are made available. The corporation shall fund at least one eligible project in as many counties as possible.

(7) Projects shall receive priority consideration for funding where:

(a) The local jurisdiction adopts appropriate regulatory incentives, local contributions or financial strategies, or other funding sources to promote the development and ongoing financial viability of such projects. Local incentives include such actions as expediting review of development orders and permits, supporting development near transportation hubs and major employment centers, and adopting land development regulations designed to allow flexibility in densities, use of accessory units, mixed-use developments, and flexible lot configurations. Financial strategies include such actions as promoting employer-assisted housing programs, providing tax increment financing, and providing land.

(b) Projects are innovative and include new construction or rehabilitation, mixed-income housing, or commercial and housing mixed-use elements and those that promote homeownership. The program funding shall not exceed the costs attributable to the portion of the project that is set aside to provide housing for the targeted population.

(c) Projects that set aside at least 80 percent of units for workforce housing and at least 50 percent for essential services personnel and for projects that require the least amount of program funding compared to the overall housing costs for the project.

(8) Notwithstanding the provisions of s. 163.3184(3)-(6), Florida Statutes, any local government comprehensive plan amendment to implement a Community Workforce Housing Innovation Pilot Program project found consistent with the provisions of this section shall be expedited as provided in this subsection. At least 30 days prior to adopting a plan amendment pursuant to this paragraph, the local government shall notify the state land planning agency of its intent to adopt such an amendment, and the notice shall include its evaluation related to site suitability and availability of facilities and services. The public notice of the hearing required by s. 163.3184(15)(e), Florida Statutes, shall include a statement that the local government intends to utilize the expedited adoption process authorized by this subsection. Such amendments shall require only a single public hearing before the governing board, which shall be an adoption hearing as described in s. 163.3184(7), Florida Statutes, and the state land planning agency shall issue its notice of intent pursuant to s. 163.3184(8), Florida Statutes, within 30 days after determining that the amendment package is complete.

(9) The corporation shall award loans with interest rates set at 1 to 3 percent, which may be made forgivable when long-term affordability is provided and when at least 80 percent of the units are set aside for workforce housing and at least 50 percent of the units are set aside for essential services personnel.

(10) All eligible applications shall:

(a) For home ownership, limit the sales price of a detached unit, townhome, or condominium unit to not more than 80 percent of the median sales price for that type of unit in that county, or the statewide median sales price for that type of unit, whichever is higher, and require that all eligible purchasers of home ownership units occupy the homes as their primary residence.

(b) For rental units, restrict rents for all workforce housing serving those with incomes at or below 120 percent of area median income at the appropriate income level using the restricted rents for the federal low-income housing tax credit program and, for workforce housing units serving those with incomes above 120 percent of area median income, restrict rents to those established by the corporation, not to exceed 30 percent of the maximum household income adjusted to unit size.

(c) Demonstrate that the applicant is a public-private partnership.

(d) Have grants, donations of land, or contributions from the public-private partnership or other sources collectively totaling at least 15 percent of the total development cost. Such grants, donations of land, or contributions must be evidenced by a letter of commitment only at the time of application. Grants, donations of land, or contributions in excess of 15 percent of the development cost shall increase the application score.

(e) Demonstrate how the applicant will use the regulatory incentives and financial strategies outlined in paragraph (7)(a) from the local jurisdiction in which the proposed project is to be located. The corporation may consult with the Department of Community Affairs in evaluating the use of regulatory incentives by applicants.

(f) Demonstrate that the applicant possesses title to or site control of land and evidences availability of required infrastructure.

(g) Demonstrate the applicant's affordable housing development and management experience.

(h) Provide any research or facts available supporting the demand and need for rental or home ownership workforce housing for eligible persons in the market in which the project is proposed.

(11) Projects may include manufactured housing constructed after June 1994 and installed in accordance with mobile home installation standards of the Department of Highway Safety and Motor Vehicles.

(12) The corporation may adopt rules pursuant to ss. 120.536(1) and 120.54, Florida Statutes, to implement the provisions of this section.

(13) The corporation may use a maximum of 2 percent of the annual appropriation for administration and compliance monitoring.

(14) The corporation shall review the success of the Community Workforce Housing Innovation Pilot Program to ascertain whether the projects financed by the program are useful in meeting the housing needs of eligible areas. The corporation shall submit its report and any recommendations regarding the program to the Governor, the Speaker of the House of Representatives, and the President of the Senate not later than 2 months after the end of the corporation's fiscal year.

Section 28. Affordable housing land donation density bonus incentives.--

(1) A local government may provide density bonus incentives pursuant to the provisions of this section to any landowner who voluntarily donates fee simple interest in real property to the local government for the purpose of assisting the local government in providing affordable housing. Donated real property must be determined by the local government to be appropriate for use as affordable housing and must be subject to deed restrictions to ensure that the property will be used for affordable housing.

(2) For purposes of this section, the terms "affordable," "extremely-low-income persons," "low-income persons," "moderate-income persons," and "very-low-income persons," have the same meaning as in s. 420.0004, Florida Statutes.

(3) The density bonus may be applied to any land within the local government's jurisdiction provided that residential use is an allowable use on the receiving land.

(4) The density bonus, identification of receiving land for the bonus, and any other conditions associated with the donation of the land for affordable housing are the subject of review and approval by the local government. The award of density bonus pursuant to this section, the legal description of the land receiving the bonus, and any other conditions associated with the bonus shall be memorialized in a development agreement or other binding agreement and recorded with the clerk of court in the county where the donated land and receiving land are located.

(5) The local government, as part of the approval process, shall adopt a comprehensive plan amendment, pursuant to part II of chapter 163, Florida Statutes, for the receiving land that incorporates the density bonus. Such amendment shall be adopted in the manner as required for small-scale amendments pursuant to s. 163.3187, Florida Statutes, is not subject to the requirements of s. 163.3184(3)-(6), Florida Statutes, and is exempt from the limitation on the frequency of plan amendments as provided in s. 163.3187, Florida Statutes.

(6) The deed restrictions required pursuant to subsection (1) for an affordable housing unit must also prohibit the unit from being sold at a price that exceeds the threshold for housing that is affordable for low-income or moderate-income persons or to a buyer who is not eligible due to his or her income under chapter 420, Florida Statutes. The deed restriction may allow affordable housing units created under subsection (1) to be rented to extremely-low-income, very-low-income, low-income, or moderate-income persons.

(7) The local government may transfer all or a portion of the donated land to a nonprofit housing organization, such as a community land trust, housing authority, or community redevelopment agency, to be used for the production and preservation of permanently affordable housing.

Section 29. Section 196.1978, Florida Statutes, is amended to read:

196.1978 Affordable housing property exemption.--Property used to provide affordable housing serving eligible persons as defined by s. 159.603(7) and persons meeting income limits specified in s. 420.0004(8) ~~s. 420.0004(9)~~, (10), (11), and (15) ~~(14)~~, which property is owned entirely by a nonprofit entity which is qualified as charitable under s. 501(c)(3) of the Internal Revenue Code and which complies with Rev. Proc. 96-32, 1996-1 C.B. 717, shall be considered property owned by an exempt entity and used for a charitable purpose, and those portions of the affordable housing property which provide housing to individuals with incomes as defined in s. 420.0004(10)~~(9)~~ and (15)~~(14)~~ shall be exempt from ad valorem taxation to the extent authorized in s. 196.196. All property identified in this section shall comply with the criteria for determination of exempt status to be applied by property appraisers on an annual basis as defined in s. 196.195. The Legislature intends that any property owned by a limited liability company which is disregarded as an entity for federal income tax purposes pursuant to Treasury Regulation 301.7701-3(b)(1)(ii) shall be treated as owned by its sole member.

Section 30. Paragraph (o) of subsection (5) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.--The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.--

(o) Building materials in redevelopment projects.--

1. As used in this paragraph, the term:

a. "Building materials" means tangible personal property that becomes a component part of a housing project or a mixed-use project.

b. "Housing project" means the conversion of an existing manufacturing or industrial building to housing units in an urban high-crime area, enterprise zone, empowerment zone, Front Porch Community, designated brownfield area, or urban infill area and in which the developer agrees to set aside at least 20 percent of the housing units in the project for low-income and moderate-income persons or the construction in a designated brownfield area of affordable housing for persons described in s. 420.0004(8), (10), (11), or (15) ~~s. 420.0004(9), (10), or (14)~~, or in s. 159.603(7).

c. "Mixed-use project" means the conversion of an existing manufacturing or industrial building to mixed-use units that include artists' studios, art and entertainment services, or other compatible uses. A mixed-use project must be located in an urban high-crime area, enterprise zone, empowerment zone, Front Porch Community, designated brownfield area, or urban infill area, and the developer must agree to set aside at least 20 percent of the square footage of the project for low-income and moderate-income housing.

d. "Substantially completed" has the same meaning as provided in s. 192.042(1).

2. Building materials used in the construction of a housing project or mixed-use project are exempt from the tax imposed by this chapter upon an affirmative showing to the satisfaction of the department that the requirements of this paragraph have been met. This exemption inures to the owner through a refund of previously paid taxes. To receive this refund, the owner must file an application under oath with the department which includes:

a. The name and address of the owner.

b. The address and assessment roll parcel number of the project for which a refund is sought.

c. A copy of the building permit issued for the project.

d. A certification by the local building code inspector that the project is substantially completed.

e. A sworn statement, under penalty of perjury, from the general contractor licensed in this state with whom the owner contracted to construct the project, which statement lists the building materials used in the construction of the project and the actual cost thereof, and the amount of sales tax paid on these materials. If a general contractor was not used, the owner shall provide this information in a sworn statement, under penalty of perjury. Copies of invoices evidencing payment of sales tax must be attached to the sworn statement.

3. An application for a refund under this paragraph must be submitted to the department within 6 months after the date the project is deemed to be substantially completed by the local building code inspector. Within 30 working days after receipt of the application, the department shall determine if it meets the requirements of this paragraph. A refund approved pursuant to this paragraph shall be made within 30 days after formal approval of the application by the department. The provisions of s. 212.095 do not apply to any refund application made under this paragraph.

4. The department shall establish by rule an application form and criteria for establishing eligibility for exemption under this paragraph.

5. The exemption shall apply to purchases of materials on or after July 1, 2000.

Section 31. The Florida Housing Finance Corporation is authorized to provide funds to eligible entities for affordable housing recovery in those areas of the state which sustained housing damage due to hurricanes during 2004 and 2005. The Florida Housing Finance Corporation shall utilize data provided by the Federal Emergency Management Agency to assist in its allocation of funds to local jurisdictions. To administer these programs, the Florida Housing Finance Corporation shall be guided by the "Hurricane Housing Work Group Recommendations to Assist in Florida's Long Term Housing Recovery Efforts" report dated February 16, 2005, and may adopt emergency rules pursuant to s. 120.54, Florida Statutes. The Legislature finds that emergency rules adopted pursuant to this section meet the health, safety, and welfare requirement of s. 120.54(4), Florida Statutes. The Legislature finds that such emergency rulemaking power is necessary for the preservation of the rights and welfare of the people in order to provide additional funds to assist those areas of the state that sustained housing damage due to hurricanes during 2004 and 2005. Therefore, in adopting such emergency rules, the corporation need not make the findings required by s. 120.54(4)(a), Florida Statutes. Emergency rules adopted under this section are exempt from s. 120.54(4)(c), Florida Statutes. The sum of $75.9 million is appropriated from the Local Government Housing Trust Fund to the Florida Housing Finance Corporation for the Rental Recovery Loan Program. The sum of $15 million is appropriated from the State Housing Trust Fund to the Florida Housing Finance Corporation for the Farmworker Housing Recovery Program and the Special Housing Assistance and Development Program, and the sum of $17 million is appropriated from the State Housing Trust Fund to the Florida Housing Finance Corporation for the Rental Recovery Program. The sum of $100,000 is appropriated from the State Housing Trust Fund to the Florida Housing Finance Corporation for technical and training assistance.

Section 32. The sum of $82,904,000 is appropriated from the Florida Small Cities Community Development Block Grant Program Fund to the Department of Community Affairs. These funds shall be used consistent with the Federal Register, Vol. 71, No. 29, February 13, 2006, Docket No. FR-5051-N-01, and the Action Plan for Disaster Recovery approved by the United States Department of Housing and Urban Development to meet the needs of communities impacted by Hurricanes Wilma and Katrina, with a prioritization toward affordable housing in the most impacted areas of the state.

Section 33. The sum of $50 million is appropriated from the Local Government Housing Trust Fund to the Florida Housing Finance Corporation for fiscal year 2006-2007 to implement the Community Workforce Housing Innovation Pilot Program.

Section 34. The sum of $30 million is appropriated from the State Housing Trust Fund to the Florida Housing Finance Corporation for fiscal year 2006-2007 to assist in the production of housing units for extremely-low-income persons as defined in s. 420.0004(8), Florida Statutes.

Section 35. The sum of $250,000 of recurring funds and $300,000 of nonrecurring funds is appropriated from the Grants and Donations Trust Fund to the Department of Community Affairs for the purpose of implementing the provisions of this act relating to the Century Commission for a Sustainable Florida during the 2006-2007 fiscal year.

Section 36. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2006.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete everything before the enacting clause

and insert:

A bill to be entitled

An act relating to affordable housing; creating s. 125.379, F.S.; providing for disposition of county property for affordable housing; amending s. 163.31771, F.S., relating to accessory dwelling units; revising legislative findings and definitions; conforming cross-references; amending s. 163.3187, F.S.; revising a limitation relating to small scale comprehensive plan amendments involving the construction of affordable housing units; creating s. 166.0451, F.S.; providing for disposition of municipal property for affordable housing; providing a statement of important state interest; amending s. 189.4155, F.S.; authorizing independent special districts to provide for housing and housing assistance; amending s. 191.006, F.S.; authorizing independent special fire control districts to provide employee housing and housing assistance; amending s. 197.252, F.S.; decreasing the age and increasing the income threshold required for eligibility to defer ad valorem property taxes; decreasing the maximum interest rate that may be charged on deferred ad valorem taxes; amending s. 253.034, F.S.; providing for the disposition of state lands for affordable housing; amending s. 253.0341, F.S.; authorizing local governments to request state lands be declared surplus for the purpose of affordable housing; providing for use of lands that are declared surplus; amending s. 295.16, F.S.; expanding the disabled veteran exemption from certain license and permit fees relating to dwelling improvements; amending s. 380.06, F.S.; providing a greater substantial deviation threshold for the provision of affordable housing in a development of regional impact; conforming cross-references; amending s. 380.0651, F.S.; providing a statewide guidelines and standards bonus for the provision of workforce housing; amending s. 420.0004, F.S.; defining the term "extremely-low-income persons"; conforming cross-references; amending s. 420.503, F.S.; revising the definition of the term "farmworker" under the Florida Housing Finance Corporation Act; providing rulemaking authority; amending s. 420.5061, F.S.; conforming a cross-reference; amending s. 420.507, F.S.; revising and expanding the powers of the Florida Housing Finance Corporation relating to mortgage loan interest rates, loans, loan relief, uses of loan funds, subsidiary business entities, and data reporting; providing rulemaking authority; amending s. 420.5087, F.S.; increasing the population criteria for the State Apartment Incentive Loan Program; revising criteria for loans; conforming cross-references; amending s. 420.5088, F.S.; expanding the scope of the Florida Homeownership Assistance Program; revising loan requirements; deleting a provision reserving program funds for certain borrowers; repealing ss. 420.37 and 420.530, F.S., relating to the State Farm Worker Housing Pilot Loan Program; amending s. 420.9071, F.S.; conforming a cross-reference; amending s. 420.9072, F.S.; conforming cross-references; amending s. 420.9075, F.S.; requiring local housing assistance plans to define essential service personnel for the county or eligible municipality and to contain a strategy for the recruitment and retention of such personnel; amending s. 420.9076, F.S.; conforming a cross-reference; amending s. 420.9079, F.S.; revising the maximum appropriation the Florida Housing Finance Corporation may request each state fiscal year; conforming a cross-reference; amending s. 1001.43, F.S.; authorizing district school boards to provide affordable housing for teachers and other district personnel; creating the Community Workforce Housing Innovation Pilot Program; provides legislative findings; providing definitions; providing the Florida Housing Finance Corporation with certain powers and responsibilities relating to the program; requiring the program to target certain entities; providing application requirements; providing incentives for program applicants; providing rulemaking authority; requires a report to the Governor and Legislature; authorizing local governments to provide density bonus incentives to landowners who donate fee simple interest in real property to the local government for the purpose of assisting the local government in providing affordable housing; providing definitions and requirements governing such donations and density bonuses; amending s. 196.1978, F.S., correcting cross-references; amending s. 212.08, F.S.; correcting cross-references; authorizing the corporation to provide funds for eligible entities for affordable housing recovery in those counties that were declared eligible for disaster funding after the hurricanes of 2004 and 2005 and that sustained housing damage due to those storms; authorizing the corporation to adopt emergency rules; providing an appropriation to the Florida Housing Finance Corporation to provide housing units for extremely-low-income persons; providing an appropriation to the Florida Housing Finance Corporation to implement the Community Workforce Housing Innovation Pilot Program; providing an appropriation to the Florida Housing Finance Corporation for hurricane housing recovery; providing an appropriation to the Department of

Community Affairs for the Century Commission for a Sustainable Florida; providing effective dates.

On motion by Rep. M. Davis, the House concurred in Senate Amendment 1.

The question recurred on the passage of HB 1363. The vote was:

Session Vote Sequence: 1188

Representative Russell in the Chair.

Yeas—111

Adams	Cretul	Hays	Proctor
Allen	Culp	Holloway	Quinones
Altman	Cusack	Homan	Reagan
Ambler	Davis, D.	Hukill	Rice
Anderson	Davis, M.	Jennings	Richardson
Antone	Dean	Jordan	Rivera
Arza	Detert	Joyner	Robaina
Attkisson	Domino	Kottkamp	Roberson
Ausley	Evers	Kreegel	Ross
Barreiro	Farkas	Legg	Rubio
Baxley	Fields	Littlefield	Russell
Bean	Flores	Llorente	Ryan
Bendross-Mindingall	Galvano	Lopez-Cantera	Sands
Bense	Gannon	Machek	Sansom
Benson	Garcia	Mahon	Seiler
Berfield	Gardiner	Mayfield	Slosberg
Bilirakis	Gelber	McInvale	Smith
Bogdanoff	Gibson, A.	Meadows	Sobel
Bowen	Gibson, H.	Mealor	Sorensen
Brown	Glorioso	Murzin	Stansel
Brummer	Goldstein	Needelman	Stargel
Brutus	Goodlette	Negron	Traviesa
Bucher	Gottlieb	Patterson	Troutman
Bullard	Grant	Peterman	Vana
Cannon	Greenstein	Pickens	Waters
Carroll	Grimsley	Planas	Williams
Clarke	Harrell	Poppell	Zapata
Coley	Hasner	Porth	

Nays—None

Votes after roll call:
Yeas—Johnson, Kravitz, Kyle

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1567, with amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 1567—A bill to be entitled An act relating to eminent domain; creating s. 73.013, F.S.; restricting certain transfers of property taken by eminent domain to certain natural persons or private entities; amending s. 163.335, F.S.; providing legislative findings and declarations; amending s. 163.355, F.S.; requiring disclosure of eminent domain authority in resolutions finding slum or blight conditions; providing for notice to property owners and business owners or lessees and requirements therefor; providing for hearings and advertising requirements therefor; amending s. 163.358, F.S.; providing that the power of eminent domain does not vest in a community redevelopment agency but rather with the governing body of a county or municipality; amending s. 163.360, F.S.; requiring disclosure of eminent domain authority in community redevelopment plans; amending s. 163.370, F.S.; revising powers of community redevelopment agencies with respect to the acquisition of real property; amending s. 163.375, F.S.; revising eminent domain authority and procedures, including notice, hearings, and challenge; amending ss. 127.01 and 127.02, F.S.; requiring county compliance with eminent domain limitations; amending ss. 166.401 and 166.411, F.S.; requiring municipal compliance with eminent domain limitations; providing application; providing an effective date.

(Amendment Bar Code: 243254)

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause

and insert:

Section 1. Section 73.013, Florida Statutes, is created to read:

73.013 Conveyance of property taken by eminent domain; preservation of government entity communications services eminent domain limitation; exception to restrictions on power of eminent domain.--

(1) Notwithstanding any other provision of law, including any charter provision, ordinance, statute, or special law, if the state, any political subdivision as defined in s. 1.01(8), or any other entity to which the power of eminent domain is delegated files a petition of condemnation on or after the effective date of this section regarding a parcel of real property in this state, ownership or control of property acquired pursuant to such petition may not be conveyed by the condemning authority or any other entity to a natural person or private entity, by lease or otherwise, except that ownership or control of property acquired pursuant to such petition may be conveyed, by lease or otherwise, to a natural person or private entity:

(a) For use in providing common-carrier services or systems;

(b)1. For use as a road or other right-of-way or means that is open to the public for transportation, whether at no charge or by toll;

2. For use in the provision of transportation-related services, business opportunities, and products pursuant to s. 338.234, on a toll road;

(c) That is a public or private utility for use in providing electricity services or systems, natural or manufactured gas services or systems, water and wastewater services or systems, stormwater or runoff services or systems, sewer services or systems, pipeline facilities, telephone services or systems, or similar services or systems;

(d) For use in providing public infrastructure;

(e) That occupies, pursuant to a lease, an incidental part of a public property or a public facility for the purpose of providing goods or services to the public;

(f) Without restriction, after public notice and competitive bidding unless otherwise provided by general law, if less than 10 years have elapsed since the condemning authority acquired title to the property and the following conditions are met:

1. The condemning authority or governmental entity holding title to the property documents that the property is no longer needed for the use or purpose for which it was acquired by the condemning authority or for which it was transferred to the current titleholder; and

2. The owner from whom the property was taken by eminent domain is given the opportunity to repurchase the property at the price that he or she received from the condemning authority;

(g) After public notice and competitive bidding unless otherwise provided by general law, if the property was owned and controlled by the condemning authority or a governmental entity for at least 10 years after the condemning authority acquired title to the property; or

(h) In accordance with subsection (2).

(2)(a) If ownership of property is conveyed to a natural person or private entity pursuant to paragraph (1)(a), paragraph (1)(b), paragraph (1)(c), paragraph (1)(d), or paragraph (1)(e), and at least 10 years have elapsed since the condemning authority acquired title to the property, the property may subsequently be transferred, after public notice and competitive bidding unless otherwise provided by general law, to another natural person or private entity without restriction.

(b) If ownership of property is conveyed to a natural person or private entity pursuant to paragraph (1)(a), paragraph (1)(b), paragraph (1)(c), paragraph (1)(d), or paragraph (1)(e), and less than 10 years have elapsed since the condemning authority acquired title to the property, the property may be transferred, after public notice and competitive bidding unless

otherwise provided by general law, to another natural person or private entity without restriction, if the following conditions are met:

1. The current titleholder documents that the property is no longer needed for the use or purpose for which the property was transferred to the current titleholder; and

2. The owner from whom the property was taken by eminent domain is given the opportunity to repurchase the property at the price that he or she received from the condemning authority.

(3) This section does not affect the limitation on a government entity's powers of eminent domain contained in s. 350.81(2)(j).

(4) The power of eminent domain shall be restricted as provided in chapters 73, 127, 163, and 166, except when the owner of a property relinquishes the property and concedes to the taking of the property in order to retain the ability to reinvest the proceeds of the sale of the property in replacement property under s. 1033 of the Internal Revenue Code.

Section 2. Section 73.014, Florida Statutes, is created to read:

73.014 Taking property to eliminate nuisance, slum, or blight conditions prohibited.--

(1) Notwithstanding any other provision of law, including any charter provision, ordinance, statute, or special law, the state, any political subdivision as defined in s. 1.01(8), or any other entity to which the power of eminent domain is delegated may not exercise the power of eminent domain to take private property for the purpose of abating or eliminating a public nuisance. Notwithstanding any other provision of law, including any charter provision, ordinance, statute, or special law, abating or eliminating a public nuisance is not a valid public purpose or use for which private property may be taken by eminent domain and does not satisfy the public-purpose requirement of s. 6(a), Art. X of the State Constitution. This subsection does not diminish the power of counties or municipalities to adopt or enforce county or municipal ordinances related to code enforcement or the elimination of public nuisances to the extent such ordinances do not authorize the taking of private property by eminent domain.

(2) Notwithstanding any other provision of law, including any charter provision, ordinance, statute, or special law, the state, any political subdivision as defined in s. 1.01(8), or any other entity to which the power of eminent domain is delegated may not exercise the power of eminent domain to take private property for the purpose of preventing or eliminating slum or blight conditions. Notwithstanding any other provision of law, including any charter provision, ordinance, statute, or special law, taking private property for the purpose of preventing or eliminating slum or blight conditions is not a valid public purpose or use for which private property may be taken by eminent domain and does not satisfy the public-purpose requirement of s. 6(a), Art. X of the State Constitution.

Section 3. Section 73.021, Florida Statutes, is amended to read:

73.021 Petition; contents.--Those having the right to exercise the power of eminent domain may file a petition therefor in the circuit court of the county wherein the property lies, which petition shall set forth:

(1) The authority under which and the public use or purpose for which the property is to be acquired, and that the property is necessary for that public use or purpose;

(2) A description identifying the property sought to be acquired. The petitioners may join in the same action all properties involved in a planned project whether in the same or different ownership, or whether or not the property is sought for the same use;

(3) The estate or interest in the property which the petitioner intends to acquire;

(4) The names, places of residence, legal disabilities, if any, and interests in the property of all owners, lessees, mortgagees, judgment creditors, and lienholders, so far as ascertainable by diligent search, and all unknown persons having an interest in the property when the petitioner has been unable to ascertain the identity of such persons by diligent search and inquiry. If any interest in the property, or lien thereon, belongs to the unsettled estate of a decedent, the executor or administrator shall be made a defendant without joining the devisee or heir; if a trust estate, the trustee shall be made a defendant without joining the cestui que trust. The court may appoint an administrator ad litem to represent the estate of a deceased person whose estate is not being administered, and a guardian ad litem for all defendants who are infants or are under other legal disabilities; and for defendants whose names or addresses are unknown. A copy of the order of appointment shall be served on the guardian ad litem at least 10 days before trial unless he or she has entered an appearance;

(5) Whether any mobile home is located on the property sought to be acquired and, if so, whether the removal of that mobile home will be required. If such removal shall be required, the petition shall name the owners of each such mobile home as defendants. This subsection shall not apply to any governmental authority exercising its power of eminent domain when reasonable relocation or removal expenses must be paid to mobile home owners under other provisions of law or agency rule applicable to such exercise of power;~~.~~

(6) A statement that the petitioner has surveyed and located its line or area of construction, and intends in good faith to construct the project on or over the described property; and

(7) A demand for relief that the property be condemned and taken for the uses and purposes set forth in the petition, and that the interest sought be vested in the petitioner.

Section 4. Section 127.01, Florida Statutes, is amended to read:

127.01 Counties delegated power of eminent domain; recreational purposes, issue of necessity of taking; compliance with limitations.--

(1)(a) Each county of the state is delegated authority to exercise the right and power of eminent domain; that is, the right to appropriate property, except state or federal, for any county purpose. The absolute fee simple title to all property so taken and acquired shall vest in such county unless the county seeks to condemn a particular right or estate in such property.

(b) Each county is further authorized to exercise the eminent domain power granted to the Department of Transportation by s. 337.27(1), the transportation corridor protection provisions of s. 337.273, and the right of entry onto property pursuant to s. 337.274.

(2) However, no county has the right to condemn any lands outside its own county boundaries for parks, playgrounds, recreational centers, or other recreational purposes. In eminent domain proceedings, a county's burden of showing reasonable necessity for parks, playgrounds, recreational centers, or other types of recreational purposes shall be the same as the burden in other types of eminent domain proceedings.

(3) A county shall strictly comply with the limitations set forth in ss. 73.013 and 73.014.

Section 5. Section 127.02, Florida Statutes, is amended to read:

127.02 County commissioners may authorize acquirement of property by eminent domain.--The board of county commissioners may not exercise its power of eminent domain unless the board adopts a resolution authorizing the acquisition~~, by resolution, authorize the acquirement by eminent domain~~ of a property, real or personal, by eminent domain for any county use or purpose designated in such resolution, subject to the limitations set forth in ss. 73.013 and 73.014.

Section 6. Subsection (3) of section 163.335, Florida Statutes, is amended, and subsection (7) is added to that section, to read:

163.335 Findings and declarations of necessity.--

(3) It is further found and declared that the powers conferred by this part are for public uses and purposes for which public money may be expended ~~and the power of eminent domain~~ and police power exercised, and the necessity in the public interest for the provisions herein enacted is ~~hereby~~ declared as a matter of legislative determination.

(7) It is further found and declared that the prevention or elimination of a slum area or blighted area as defined in this part and the preservation or enhancement of the tax base are not public uses or purposes for which private property may be taken by eminent domain and do not satisfy the public-purpose requirement of s. 6(a), Art. X of the State Constitution.

Section 7. Subsection (12) of section 163.340, Florida Statutes, is amended to read:

163.340 Definitions.--The following terms, wherever used or referred to in this part, have the following meanings:

(12) "Related activities" means:

(a) Planning work for the preparation of a general neighborhood redevelopment plan or for the preparation or completion of a communitywide plan or program pursuant to s. 163.365.

(b) The functions related to the acquisition and disposal of real property pursuant to s. 163.370(4) ~~s. 163.370(3)~~.

(c) The development of affordable housing for residents of the area.

(d) The development of community policing innovations.

Section 8. Subsection (1) of section 163.345, Florida Statutes, is amended to read:

163.345 Encouragement of private enterprise.--

(1) Any county or municipality, to the greatest extent it determines to be feasible in carrying out the provisions of this part, shall afford maximum opportunity, consistent with the sound needs of the county or municipality as a whole, to the rehabilitation or redevelopment of the community redevelopment area by private enterprise. Any county or municipality shall give consideration to this objective in exercising its powers under this part, including the formulation of a workable program; the approval of community redevelopment plans, communitywide plans or programs for community redevelopment, and general neighborhood redevelopment plans (consistent with the general plan of the county or municipality); the development and implementation of community policing innovations; the exercise of its zoning powers; the enforcement of other laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements; the development of affordable housing; the disposition of any property acquired, subject to the limitations of s. 73.013; and the provision of necessary public improvements.

Section 9. Section 163.358, Florida Statutes, is amended to read:

163.358 Exercise of powers in carrying out community redevelopment and related activities.--Each county and municipality has all powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, including those powers granted under s. 163.370. A county or municipality may delegate such powers to a community redevelopment agency created under s. 163.356, ~~The community redevelopment powers assigned to a community redevelopment agency created under s. 163.356 include all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this part,~~ except the following, which continue to vest in the governing body of the county or municipality:

(1) The power to determine an area to be a slum or blighted area, or combination thereof; to designate such area as appropriate for community redevelopment; and to hold any public hearings required with respect thereto.

(2) The power to grant final approval to community redevelopment plans and modifications thereof.

(3) The power to authorize the issuance of revenue bonds as set forth in s. 163.385.

(4) The power to approve the acquisition, demolition, removal, or disposal of property as provided in s. 163.370(4) ~~s. 163.370(3)~~ and the power to assume the responsibility to bear loss as provided in s. 163.370(4) ~~s. 163.370(3)~~.

(5) The power to approve the development of community policing innovations.

(6) The power of eminent domain.

Section 10. Section 163.370, Florida Statutes, is amended to read:

163.370 Powers; counties and municipalities; community redevelopment agencies.--

(1) Counties and municipalities may not exercise the power of eminent domain for the purpose of preventing or eliminating a slum area or blighted area as defined in this part; however, counties and municipalities may acquire property by eminent domain within a community redevelopment area, subject to the limitations set forth in ss. 73.013 and 73.014 or other general law.

(2)~~(1)~~ Every county and municipality shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, including the following powers in addition to others herein granted:

(a) To make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this part.~~;~~

(b) To disseminate slum clearance and community redevelopment information.~~;~~

(c) To undertake and carry out community redevelopment and related activities within the community redevelopment area, which ~~redevelopment~~ may include:

1. Acquisition of property within a slum area or a blighted area by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition ~~or portion thereof~~.

2. Demolition and removal of buildings and improvements.

3. Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, public areas of major hotels that are constructed in support of convention centers, including meeting rooms, banquet facilities, parking garages, lobbies, and passageways, and other improvements necessary for carrying out in the community redevelopment area the community redevelopment objectives of this part in accordance with the community redevelopment plan.

4. Disposition of any property acquired in the community redevelopment area at its fair value for uses in accordance with the community redevelopment plan.

5. Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the community redevelopment plan.

6. Acquisition by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition of real property in the community redevelopment area which, under the community redevelopment plan, is to be repaired or rehabilitated for dwelling use or related facilities, repair or rehabilitation of the structures for guidance purposes, and resale of the property.

7. Acquisition by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition of any other real property in the community redevelopment area when necessary to eliminate unhealthful, unsanitary, or unsafe conditions; lessen density; eliminate obsolete or other uses detrimental to the public welfare; or otherwise to remove or prevent the spread of blight or deterioration or to provide land for needed public facilities.

8. Acquisition, without regard to any requirement that the area be a slum or blighted area, of air rights in an area consisting principally of land in highways, railway or subway tracks, bridge or tunnel entrances, or other similar facilities which have a blighting influence on the surrounding area and over which air rights sites are to be developed for the elimination of such blighting influences and for the provision of housing (and related facilities and uses) designed specifically for, and limited to, families and individuals of low or moderate income.

9. Acquisition by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition of property in unincorporated enclaves surrounded by the boundaries of a community redevelopment area when it is determined necessary by the agency to accomplish the community redevelopment plan.

10.~~9.~~ Construction of foundations and platforms necessary for the provision of air rights sites of housing (and related facilities and uses) designed specifically for, and limited to, families and individuals of low or moderate income.

(d) To provide, or to arrange or contract for, the furnishing or repair by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities, or other facilities for or in connection with a community redevelopment; to install, construct, and reconstruct streets, utilities, parks, playgrounds, and other public improvements; and to agree to any conditions that it deems reasonable and appropriate which are attached to federal financial assistance and imposed pursuant to federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of a community redevelopment and related activities, and to include in any contract let in connection with such redevelopment and related activities provisions to fulfill such of the conditions as it deems reasonable and appropriate.

(e) Within the community redevelopment area:

1. To enter into any building or property in any community redevelopment area in order to make inspections, surveys, appraisals, soundings, or test borings and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted.

2. To acquire by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition, ~~eminent domain, or otherwise~~ any real property ~~(~~or personal property for its administrative purposes~~)~~, together with any improvements thereon~~; except that a community redevelopment agency~~

~~may not exercise any power of eminent domain unless the exercise has been specifically approved by the governing body of the county or municipality which established the agency~~.

3. To hold, improve, clear, or prepare for redevelopment any such property.

4. To mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real property.

5. To insure or provide for the insurance of any real or personal property or operations of the county or municipality against any risks or hazards, including the power to pay premiums on any such insurance.

6. To enter into any contracts necessary to effectuate the purposes of this part.

7. To solicit requests for proposals for redevelopment of parcels of real property contemplated by a community redevelopment plan to be acquired for redevelopment purposes by a community redevelopment agency and, as a result of such requests for proposals, to advertise for the disposition of such real property to private persons pursuant to s. 163.380 prior to acquisition of such real property by the community redevelopment agency.

(f) To invest any community redevelopment funds held in reserves or sinking funds or any such funds not required for immediate disbursement in property or securities in which savings banks may legally invest funds subject to their control and to redeem such bonds as have been issued pursuant to s. 163.385 at the redemption price established therein or to purchase such bonds at less than redemption price, all such bonds so redeemed or purchased to be canceled.

(g) To borrow money and to apply for and accept advances, loans, grants, contributions, and any other form of financial assistance from the Federal Government or the state, county, or other public body or from any sources, public or private, for the purposes of this part and to give such security as may be required and to enter into and carry out contracts or agreements in connection therewith; and to include in any contract for financial assistance with the Federal Government for or with respect to community redevelopment and related activities such conditions imposed pursuant to federal laws as the county or municipality deems reasonable and appropriate which are not inconsistent with the purposes of this part.

(h) Within its area of operation, to make or have made all surveys and plans necessary to the carrying out of the purposes of this part; to contract with any person, public or private, in making and carrying out such plans; and to adopt or approve, modify, and amend such plans, which plans may include, but are not limited to:

1. Plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements.

2. Plans for the enforcement of state and local laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements.

3. Appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of community redevelopment and related activities.

(i) To develop, test, and report methods and techniques, and carry out demonstrations and other activities, for the prevention and the elimination of slums and urban blight and developing and demonstrating new or improved means of providing housing for families and persons of low income.

(j) To apply for, accept, and utilize grants of funds from the Federal Government for such purposes.

(k) To prepare plans for and assist in the relocation of persons (including individuals, families, business concerns, nonprofit organizations, and others) displaced from a community redevelopment area and to make relocation payments to or with respect to such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the Federal Government.

(l) To appropriate such funds and make such expenditures as are necessary to carry out the purposes of this part; to zone or rezone any part of the county or municipality or make exceptions from building regulations; and to enter into agreements with a housing authority, which agreements may extend over any period, notwithstanding any provision or rule of law to the contrary, respecting action to be taken by such county or municipality pursuant to any of the powers granted by this part.

(m) To close, vacate, plan, or replan streets, roads, sidewalks, ways, or other places and to plan or replan any part of the county or municipality.

(n) Within its area of operation, to organize, coordinate, and direct the administration of the provisions of this part, as they may apply to such county or municipality, in order that the objective of remedying slum and blighted areas and preventing the causes thereof within such county or municipality may be most effectively promoted and achieved and to establish such new office or offices of the county or municipality or to reorganize existing offices in order to carry out such purpose most effectively.

~~(o) To exercise all or any part or combination of powers herein granted or to elect to have such powers exercised by a community redevelopment agency.~~

(o)~~(p)~~ To develop and implement community policing innovations.

(3)~~(2)~~ The following projects may not be paid for or financed by increment revenues:

(a) Construction or expansion of administrative buildings for public bodies or police and fire buildings, unless each taxing authority agrees to such method of financing for the construction or expansion, or unless the construction or expansion is contemplated as part of a community policing innovation.

(b) Installation, construction, reconstruction, repair, or alteration of any publicly owned capital improvements or projects which are not an integral part of or necessary for carrying out the community redevelopment plan if such projects or improvements are normally financed by the governing body with user fees or if such projects or improvements would be installed, constructed, reconstructed, repaired, or altered within 3 years of the approval of the community redevelopment plan by the governing body pursuant to a previously approved public capital improvement or project schedule or plan of the governing body which approved the community redevelopment plan.

(c) General government operating expenses unrelated to the planning and carrying out of a community redevelopment plan.

(4)~~(3)~~ With the approval of the governing body, a community redevelopment agency may:

(a) Prior to approval of a community redevelopment plan or approval of any modifications of the plan, acquire real property in a community redevelopment area by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition, demolish and remove any structures on the property, and pay all costs related to the acquisition, demolition, or removal, including any administrative or relocation expenses.

(b) Assume the responsibility to bear any loss that may arise as the result of the exercise of authority under this subsection, in the event that the real property is not made part of the community redevelopment area.

Section 11. Section 163.375, Florida Statutes, is repealed.

Section 12. Section 163.380, Florida Statutes, is amended to read:

163.380 Disposal of property in community redevelopment area.--The disposal of property in a community redevelopment area which is acquired by eminent domain is subject to the limitations set forth in s. 73.013.

(1) Any county, municipality, or community redevelopment agency may sell, lease, dispose of, or otherwise transfer real property or any interest therein acquired by it for community redevelopment in a community redevelopment area to any private person, or may retain such property for public use, and may enter into contracts with respect thereto for residential, recreational, commercial, industrial, educational, or other uses, in accordance with the community redevelopment plan, subject to such covenants, conditions, and restrictions, including covenants running with the land, as it deems necessary or desirable to assist in preventing the development or spread of future slums or blighted areas or to otherwise carry out the purposes of this part. However, such sale, lease, other transfer, or retention, and any agreement relating thereto, may be made only after the approval of the community redevelopment plan by the governing body. The purchasers or lessees and their successors and assigns shall be obligated to devote such real property only to the uses specified in the community redevelopment plan and may be obligated to comply with such other requirements as the county, municipality, or community redevelopment agency may determine to be in the public interest, including the obligation to begin any improvements on such real property required by the community redevelopment plan within a reasonable time.

(2) Such real property or interest shall be sold, leased, otherwise transferred, or retained at a value determined to be in the public interest for uses in accordance with the community redevelopment plan and in accordance with such reasonable disposal procedures as any county, municipality, or community redevelopment agency may prescribe. In determining the value of real property as being in the public interest for uses in accordance with the community redevelopment plan, the county, municipality, or community redevelopment agency shall take into account and give consideration to the long-term benefits to be achieved by the county, municipality, or community redevelopment agency resulting from incurring short-term losses or costs in the disposal of such real property; the uses provided in such plan; the restrictions upon, and the covenants, conditions, and obligations assumed by, the purchaser or lessee or by the county, municipality, or community redevelopment agency retaining the property; and the objectives of such plan for the prevention of the recurrence of slum or blighted areas. In the event the value of such real property being disposed of is for less than the fair value, such disposition shall require the approval of the governing body, which approval may only be given following a duly noticed public hearing. The county, municipality, or community redevelopment agency may provide in any instrument of conveyance to a private purchaser or lessee that such purchaser or lessee is without power to sell, lease, or otherwise transfer the real property without the prior written consent of the county, municipality, or community redevelopment agency until the purchaser or lessee has completed the construction of any or all improvements which he or she has obligated himself or herself to construct thereon. Real property acquired by the county, municipality, or community redevelopment agency which, in accordance with the provisions of the community redevelopment plan, is to be transferred shall be transferred as rapidly as feasible in the public interest, consistent with the carrying out of the provisions of the community redevelopment plan. Any contract for such transfer and the community redevelopment plan, or such part or parts of such contract or plan as the county, municipality, or community redevelopment agency may determine, may be recorded in the land records of the clerk of the circuit court in such manner as to afford actual or constructive notice thereof.

(3)(a) Prior to disposition of any real property or interest therein in a community redevelopment area, any county, municipality, or community redevelopment agency shall give public notice of such disposition by publication in a newspaper having a general circulation in the community, at least 30 days prior to the execution of any contract to sell, lease, or otherwise transfer real property and, prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this section, invite proposals from, and make all pertinent information available to, private redevelopers or any persons interested in undertaking to redevelop or rehabilitate a community redevelopment area or any part thereof. Such notice shall identify the area or portion thereof and shall state that proposals must be made by those interested within 30 days after the date of publication of the notice and that such further information as is available may be obtained at such office as is designated in the notice. The county, municipality, or community redevelopment agency shall consider all such redevelopment or rehabilitation proposals and the financial and legal ability of the persons making such proposals to carry them out; and the county, municipality, or community redevelopment agency may negotiate with any persons for proposals for the purchase, lease, or other transfer of any real property acquired by it in the community redevelopment area. The county, municipality, or community redevelopment agency may accept such proposal as it deems to be in the public interest and in furtherance of the purposes of this part. Except in the case of a governing body acting as the agency, as provided in s. 163.357, a notification of intention to accept such proposal must be filed with the governing body not less than 30 days prior to any such acceptance. Thereafter, the county, municipality, or community redevelopment agency may execute such contract in accordance with the provisions of subsection (1) and deliver deeds, leases, and other instruments and take all steps necessary to effectuate such contract.

(b) Any county, municipality, or community redevelopment agency that, pursuant to the provisions of this section, has disposed of a real property project with a land area in excess of 20 acres may acquire an expanded area that is immediately adjacent to the original project and less than 35 percent of the land area of the original project, by purchase ~~or eminent domain~~ as provided in this chapter, and negotiate a disposition of such expanded area directly with the person who acquired the original project without complying with the disposition procedures established in paragraph (a), provided the county, municipality, or community redevelopment agency adopts a resolution making the following findings:

1. It is in the public interest to expand such real property project to an immediately adjacent area.

2. The expanded area is less than 35 percent of the land area of the original project.

3. The expanded area is entirely within the boundary of the community redevelopment area.

(4) Any county, municipality, or community redevelopment agency may temporarily operate and maintain real property acquired by it in a community redevelopment area for or in connection with a community redevelopment plan pending the disposition of the property as authorized in this part, without regard to the provisions of subsection (1), for such uses and purposes as may be deemed desirable, even though not in conformity with the community redevelopment plan.

(5) If any conflict exists between the provisions of this section and s. 159.61, the provisions of this section govern and supersede those of s. 159.61.

(6) Notwithstanding any provision of this section, if a community redevelopment area is established by the governing body for the redevelopment of property located on a closed military base within the governing body's boundaries, the procedures for disposition of real property within that community redevelopment area shall be prescribed by the governing body, and compliance with the other provisions of this section shall not be required prior to the disposal of real property.

Section 13. Section 166.401, Florida Statutes, is amended to read:

166.401 Right of eminent domain; procedure; compliance with limitations.--

(1) All municipalities in the state may exercise the right and power of eminent domain; that is, the right to appropriate property within the state, except state or federal property, for the uses or purposes authorized pursuant to this part. The absolute fee simple title to all property so taken and acquired shall vest in such municipal corporation unless the municipality seeks to condemn a particular right or estate in such property.

(2) Each municipality is further authorized to exercise the eminent domain power granted to the Department of Transportation in s. 337.27(1) and the transportation corridor protection provisions of s. 337.273.

(3) The local governing body of a municipality may not exercise its power of eminent domain unless the governing body adopts a resolution authorizing the acquisition of a property, real or personal, by eminent domain for any municipal use or purpose designated in such resolution.

(4) Each municipality shall strictly comply with the limitations set forth in ss. 73.013 and 73.014.

Section 14. Section 166.411, Florida Statutes, is amended to read:

166.411 Eminent domain; uses or purposes.--Subject to the limitations set forth in ss. 73.013 and 73.014, municipalities are authorized to exercise the power of eminent domain for the following uses or purposes:

(1) For the proper and efficient carrying into effect of any proposed scheme or plan of drainage, ditching, grading, filling, or other public improvement deemed necessary or expedient for the preservation of the public health, or for other good reason connected in anywise with the public welfare or the interests of the municipality and the people thereof;

(2) Over railroads, traction and streetcar lines, telephone and telegraph lines, all public and private streets and highways, drainage districts, bridge districts, school districts, or any other public or private lands whatsoever necessary to enable the accomplishment of purposes listed in s. 180.06;

(3) For streets, lanes, alleys, and ways;

(4) For public parks, squares, and grounds;

(5) For drainage, for raising or filling in land in order to promote sanitation and healthfulness, and for the taking of easements for the drainage of the land of one person over and through the land of another;

(6) For reclaiming and filling when lands are low and wet, or overflowed altogether or at times, or entirely or partly;

~~(7) For the abatement of any nuisance;~~

(7)~~(8)~~ For the use of water pipes and for sewerage and drainage purposes;

(8)~~(9)~~ For laying wires and conduits underground; and

(9)~~(10)~~ For city buildings, waterworks, ponds, and other municipal purposes which shall be coextensive with the powers of the municipality exercising the right of eminent domain.~~; and~~

Section 15. This act shall take effect upon becoming a law and applies to all property for which a petition of condemnation is filed pursuant to chapter 73 or chapter 74, Florida Statutes, on or after that date.

======== T I T L E A M E N D M E N T ========

And the title is amended as follows:

Delete everything before the enacting clause

and insert:

A bill to be entitled

An act relating to eminent domain; creating s. 73.013, F.S.; restricting certain transfers of property taken by eminent domain to certain natural persons or private entities; preserving the government entity communications services eminent domain limitation; providing an exception to restrictions on eminent domain; creating s. 73.014, F.S.; prohibiting the exercise of eminent domain to eliminate nuisance, slum, or blight conditions; amending s. 73.021, F.S.; clarifying that use for eminent domain means public use or public purpose; amending s. 127.01, F.S.; providing that a county exercising eminent domain must strictly comply with the limitations in ss. 73.013 and 73.014, F.S.; amending s. 127.02, F.S.; requiring that a board of county commissioners adopt a resolution in order to acquire a property through the use of eminent domain; providing that a county exercising eminent domain must strictly comply with the limitations in ss. 73.013 and 73.014, F.S.; amending s. 163.335, F.S.; removing eminent domain from the scope of findings and declarations of necessity under the Community Redevelopment Act; providing that the prevention or elimination of a slum area or blighted area does not satisfy the requirement under the State Constitution that a taking be for a public purpose; amending s. 163.340, F.S.; conforming a cross-reference; amending s. 163.345, F.S.; prescribing limitations on the disposition of property related to certain efforts to encourage the participation of private enterprise in community redevelopment; amending s. 163.358, F.S.; clarifying the scope of the power of community redevelopment by a county or municipality and the authority and limitations on delegation to a community redevelopment agency; prohibiting the delegation of the power of eminent domain to a community redevelopment agency; conforming a cross-reference; amending s. 163.370, F.S.; clarifying limitations on the exercise of eminent domain in the context of community redevelopment; clarifying the manner in which property may be acquired; deleting the authority to delegate the power of eminent domain to a community redevelopment agency; repealing s. 163.375, F.S., relating to the authority of a county, municipality, or community redevelopment agency to exercise the power of eminent domain in connection with community redevelopment for the purpose of preventing and eliminating slums and blight; amending s. 163.380, F.S.; subjecting the disposal of property acquired by eminent domain within a community redevelopment area to certain restrictions; eliminating the authority to use eminent domain to acquire certain areas adjacent to disposed property; amending s. 166.401, F.S.; requiring that the governing body of a municipality adopt a resolution in order to acquire a property through the use of eminent domain; providing that a municipality exercising eminent domain must strictly comply with the limitations in ss. 73.013 and 73.014, F.S.; amending s. 166.411, F.S.; providing that the exercise of eminent domain by a municipality is subject to the limitations in ss. 73.013 and 73.014, F.S.; eliminating the authority of a municipality to use eminent domain for the abatement of nuisances; providing applicability; providing an effective date.

On motion by Rep. Cannon, the House concurred in Senate Amendment 1.

The question recurred on the passage of HB 1567. The vote was:

Session Vote Sequence: 1189

Representative Russell in the Chair.

Yeas—113

Adams	Culp	Homan	Proctor
Allen	Cusack	Hukill	Quinones
Altman	Davis, D.	Jennings	Rice
Ambler	Davis, M.	Johnson	Richardson
Anderson	Dean	Jordan	Rivera
Antone	Detert	Joyner	Roberson
Arza	Domino	Kottkamp	Ross
Attkisson	Evers	Kravitz	Rubio
Ausley	Farkas	Kreegel	Russell
Barreiro	Fields	Kyle	Ryan
Baxley	Flores	Legg	Sands
Bean	Galvano	Littlefield	Sansom
Bendross-Mindingall	Gannon	Llorente	Seiler
Bense	Garcia	Lopez-Cantera	Simmons
Benson	Gardiner	Machek	Slosberg
Berfield	Gelber	Mahon	Smith
Bilirakis	Gibson, A.	Mayfield	Sobel
Bogdanoff	Gibson, H.	McInvale	Sorensen
Bowen	Glorioso	Meadows	Stansel
Brown	Goldstein	Mealor	Stargel
Brummer	Goodlette	Murzin	Traviesa
Brutus	Gottlieb	Needelman	Troutman
Bucher	Grant	Negron	Vana
Bullard	Greenstein	Patterson	Waters
Cannon	Grimsley	Peterman	Williams
Carroll	Harrell	Pickens	Zapata
Clarke	Hasner	Planas	
Coley	Hays	Poppell	
Cretul	Holloway	Porth	

Nays—None

Votes after roll call:
Yeas—Robaina

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HJR 1569, with amendment, by the required Constitutional three-fifths vote of the members of the Senate and requests the concurrence of the House.

Faye W. Blanton, Secretary

HJR 1569—A joint resolution proposing an amendment to Section 6 of Article X of the State Constitution relating to eminent domain.

(Amendment Bar Code: 965072)

Senate Amendment 1—Delete everything after the resolving clause

and insert:

That the following amendment to Section 6 of Article X of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE X

MISCELLANEOUS

SECTION 6. Eminent domain.--

(a) No private property shall be taken except for a public purpose and with full compensation therefor paid to each owner or secured by deposit in the registry of the court and available to the owner.

(b) Provision may be made by law for the taking of easements, by like proceedings, for the drainage of the land of one person over or through the land of another.

(c) Private property taken by eminent domain pursuant to a petition to initiate condemnation proceedings filed on or after January 2, 2007, may not be conveyed to a natural person or private entity except as provided by general law passed by a three-fifths vote of the membership of each house of the Legislature.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT
ARTICLE X, SECTION 6

EMINENT DOMAIN.--Proposing an amendment to the State Constitution to prohibit the transfer of private property taken by eminent domain to a natural person or private entity; providing that the Legislature may by general law passed by a three-fifths vote of the membership of each house of the Legislature permit exceptions allowing the transfer of such private property; and providing that this prohibition on the transfer of private property taken by eminent domain is applicable if the petition of taking that initiated the condemnation proceeding was filed on or after January 2, 2007.

On motion by Rep. Cannon, the House concurred in Senate Amendment 1.

The question recurred on the passage of HJR 1569, which now reads as follows:

HJR 1569—A joint resolution proposing an amendment to Section 6 of Article X of the State Constitution relating to eminent domain.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment to Section 6 of Article X of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE X
MISCELLANEOUS

SECTION 6. Eminent domain.--

(a) No private property shall be taken except for a public purpose and with full compensation therefor paid to each owner or secured by deposit in the registry of the court and available to the owner.

(b) Provision may be made by law for the taking of easements, by like proceedings, for the drainage of the land of one person over or through the land of another.

(c) Private property taken by eminent domain pursuant to a petition to initiate condemnation proceedings filed on or after January 2, 2007, may not be conveyed to a natural person or private entity except as provided by general law passed by a three-fifths vote of the membership of each house of the Legislature.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT
ARTICLE X, SECTION 6

EMINENT DOMAIN.--Proposing an amendment to the State Constitution to prohibit the transfer of private property taken by eminent domain to a natural person or private entity; providing that the Legislature may by general law passed by a three-fifths vote of the membership of each house of the Legislature permit exceptions allowing the transfer of such private property; and providing that this prohibition on the transfer of private property taken by eminent domain is applicable if the petition of taking that initiated the condemnation proceeding was filed on or after January 2, 2007.

On passage, the vote was:

Session Vote Sequence: 1190

Representative Russell in the Chair.

Yeas—115

Adams	Altman	Anderson	Arza
Allen	Ambler	Antone	Attkisson
Ausley	Domino	Jordan	Reagan
Barreiro	Evers	Joyner	Rice
Baxley	Farkas	Kottkamp	Richardson
Bean	Fields	Kravitz	Rivera
Bendross-Mindingall	Flores	Kreegel	Robaina
Bense	Galvano	Kyle	Roberson
Benson	Gannon	Legg	Ross
Berfield	Garcia	Littlefield	Rubio
Bilirakis	Gardiner	Llorente	Russell
Bogdanoff	Gelber	Lopez-Cantera	Ryan
Bowen	Gibson, A.	Machek	Sands
Brown	Gibson, H.	Mahon	Sansom
Brummer	Glorioso	Mayfield	Seiler
Brutus	Goldstein	McInvale	Simmons
Bucher	Goodlette	Meadows	Slosberg
Bullard	Gottlieb	Mealor	Smith
Cannon	Grant	Murzin	Sobel
Carroll	Greenstein	Needelman	Sorensen
Clarke	Grimsley	Negron	Stansel
Coley	Harrell	Patterson	Stargel
Cretul	Hasner	Peterman	Traviesa
Culp	Hays	Pickens	Troutman
Cusack	Holloway	Planas	Vana
Davis, D.	Homan	Poppell	Waters
Davis, M.	Hukill	Porth	Williams
Dean	Jennings	Proctor	Zapata
Detert	Johnson	Quinones	

Nays—None

So the joint resolution passed, as amended by the Senate amendment, by the required constitutional three-fifths vote of the membership. The action, together with the joint resolution and amendments thereto, was immediately certified to the Senate and the joint resolution was ordered enrolled after engrossment.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7087, with amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 7087—A bill to be entitled An act relating to education; amending s. 11.90, F.S.; authorizing the Legislative Budget Commission to review a state plan to implement federal requirements; amending s. 20.15, F.S.; establishing the Division of Accountability, Research, and Measurement in the Department of Education; amending s. 411.227, F.S.; conforming provisions relating to student progress monitoring plans; amending s. 1000.03, F.S.; revising the mission of the state's K-20 education system; repealing s. 1000.041, F.S., to conform provisions relating to the 2005 repeal of the BEST Florida Teaching salary career ladder program; amending s. 1001.02, F.S.; requiring legislative review of a revised state plan to implement certain federal requirements; amending s. 1001.03, F.S.; requiring periodic review of Sunshine State Standards subject areas and an annual status report; requiring rules for certain teachers to earn a reading credential equivalent; requiring the maintenance of a uniform school district personnel classification system; amending s. 1001.10, F.S.; requiring legislative review of a revised state plan to implement certain federal requirements; creating s. 1001.215, F.S.; creating the Just Read, Florida! Office in the Department of Education; providing duties; amending s. 1001.33, F.S.; conforming provisions relating to the 2005 repeal of the BEST Florida Teaching salary career ladder program; amending s. 1001.41, F.S.; requiring district school boards to adopt standards and policies to provide each student a complete education program; amending s. 1001.42, F.S.; providing a district school board requirement relating to the opening date of the school year; conforming provisions relating to the 2005 repeal of the BEST Florida Teaching salary career ladder program; providing requirements for each school district's system of school improvement and student progression; revising requirements for school improvement plans; requiring alignment with the Sunshine State Standards; revising format and content of public disclosure reports; conforming provisions relating to

deletion of a rigorous reading requirement and the designation of school grades; requiring measures for reducing paperwork, data collection, and reporting requirements; requiring a school district task force to reduce paper and electronic reporting requirements; repealing s. 1001.51(24), F.S., and amending s. 1001.54, F.S.; conforming provisions relating to the 2005 repeal of the BEST Florida Teaching salary career ladder program; revising provisions relating to duties of school principals; amending s. 1002.20, F.S.; conforming provisions relating to student progress monitoring plans; amending s. 1003.01, F.S.; revising definition of the term "special education services"; amending s. 1003.03, F.S.; authorizing use of co-teaching or team teaching as an option to meet the constitutional class size maximums and to determine the teacher-to-student ratio per classroom under certain circumstances; amending s. 1003.05, F.S.; deleting the requirement that certain children receive preference for admission to special academic programs even if maximum enrollment has been reached; revising programs defined as "special academic programs" for purposes of such preference; amending s. 1003.21, F.S.; requiring student exit interviews prior to terminating school enrollment; creating s. 1003.413, F.S., relating to secondary school reform; providing intent and guiding principles; requiring district school boards to establish policies to implement requirements for middle grades promotion, revised requirements for high school graduation, and requirements for career and professional academies; requiring policy approval and department support for implementation; directing the Commissioner of Education to create and implement the Secondary School Improvement Award Program; repealing s. 1003.415, F.S., the Middle Grades Reform Act; creating s. 1003.4156, F.S.; providing general course requirements for middle grades promotion; requiring intensive reading and mathematics courses in certain circumstances; authorizing rulemaking and enforcement; amending s. 1003.42, F.S.; providing for required instruction for middle grades promotion; creating s. 1003.428, F.S.; establishing revised general requirements for high school graduation; providing applicability beginning with 2007-2008 first-year high school students; requiring completion of specified credits or a specified curriculum; requiring strategies for exceptional students to meet graduation requirements; requiring standards for graduation; requiring rules for test accommodations and modifications in certain cases; providing requirements for standard diplomas and certificates of completion with exceptions; authorizing rulemaking and enforcement; amending s. 1003.437, F.S.; including middle grades in the uniform grading system; repealing s. 1003.492(3) and (4), F.S., relating to department studies of student performance in industry-certified career education programs; creating s. 1003.493, F.S.; defining career and professional academies and specifying goals of the academies; providing requirements of academies relating to curriculum, partnerships, instruction, career education certification, and evaluation; amending s. 1003.51, F.S.; conforming provisions relating to student progress monitoring plans; amending s. 1003.52, F.S.; conforming provisions relating to student progress monitoring plans; amending s. 1003.57, F.S.; providing guidelines for determining the residency of a student who receives instruction as an exceptional student with a disability; requiring the student's placing authority or parent to pay the cost of such instruction, facilities, and services; providing responsibilities of the department; providing responsibilities of residential facilities that educate exceptional students with disabilities; providing applicability; creating s. 1003.576, F.S.; requiring the department to develop an individual education plan form for use in developing and implementing individual education plans for exceptional students; requiring school districts to use the form; amending s. 1003.58, F.S.; correcting a cross-reference; amending s. 1003.62, F.S.; conforming provisions relating to the designation of school grades and differentiated pay for school administrators and instructional personnel; creating s. 1004.99, F.S., the Florida Ready to Work Certification Program to enhance student workplace skills; providing for program implementation and requirements; authorizing rulemaking; amending s. 1006.09, F.S.; conforming provisions relating to differentiated pay; amending s. 1007.2615, F.S.; revising provisions for certification of American Sign Language teachers; amending s. 1008.22, F.S.; specifying FCAT grade level and subject area testing requirements; requiring documentation of procedures that ensure test difficulty under certain circumstances; providing that FCAT nonallowable accommodations may be used as instructional accommodations during classroom instruction if included in the individual education plan of a student with a disability; authorizing waiver of the FCAT under certain circumstances; requiring certain opportunities for demonstrating student performance; requiring the development of assessments for measuring the academic competency of students with disabilities; requiring the Commissioner of Education to adopt scores concordant to FCAT scores required for high school graduation; authorizing use of concordant scores for additional purposes; clarifying eligibility to use such scores to satisfy requirements for a diploma; requiring an annual report on student performance; repealing s. 1008.221, F.S., relating to alternative assessments for dependent children of military personnel, to conform; amending s. 1008.25, F.S.; replacing student academic improvement plans with progress monitoring plans; authorizing district school boards to require low-performing students to attend remediation programs outside of regular school hours or during the summer; requiring the department to establish a uniform format for reporting information relating to student progression; requiring an annual report; repealing s. 1008.301, F.S., relating to a concordance study of FCAT equivalencies for high school graduation; amending s. 1008.31, F.S.; revising intent, goals, and measures of the K-20 performance accountability system and requiring data quality improvements; requiring adoption of rules; amending s. 1008.33, F.S.; conforming a cross-reference and provisions relating to the designation of school grades; authorizing principals to recommend corrective actions for low-performing faculty and staff at "F" graded schools and publication of a school's grade; amending s. 1008.34, F.S.; revising terminology and provisions relating to designation and determination of school grades; providing for school grading of feeder pattern schools; defining a feeder pattern school; providing for school grading for alternative schools and specifying requirements related thereto; defining the term "home school" for purposes of assessment; requiring an annual school report card to be published by the department and distributed by school districts; creating s. 1008.341, F.S.; providing for school improvement ratings for certain alternative schools; providing the basis for such ratings and requiring annual performance reports; providing for determination of school improvement ratings, identification of student learning gains, and eligibility for school recognition awards; requiring the development and distribution of an annual school report card; authorizing adoption of rules; amending s. 1008.345, F.S.; conforming a cross-reference and provisions relating to the designation of school grades; providing conditions for determination of a school district or a governing board with a school in a state of educational emergency; providing procedures to resolve the educational emergency, including state assistance; authorizing establishment of an educational emergency board and providing duties thereof; providing for an action plan to implement recommendations; amending s. 1008.36, F.S.; authorizing certain feeder pattern schools and alternative schools to participate in the Florida School Recognition Program; modifying procedures for determination and use of school recognition awards; amending s. 1011.62, F.S.; providing FTE funding for juveniles enrolled in specified education programs; conforming cross-references and provisions relating to the designation of school grades; establishing a research-based reading instruction allocation to provide funds for a comprehensive reading instruction system; requiring school district plans for use of the allocation and approval thereof; including the allocation in the total amount allocated to each school district for current operation; amending s. 1011.64, F.S.; conforming terminology and a cross-reference; amending s. 1011.67, F.S.; requiring district school board approval of a staff development plan relating to use of instructional materials; amending s. 1011.685, F.S.; conforming provisions relating to the 2005 repeal of the BEST Florida Teaching salary career ladder program and implementation of differentiated pay; amending s. 1011.71, F.S.; correcting a cross-reference; amending s. 1012.21, F.S.; requiring department reporting relating to school district collectively bargained contracts and the salary and benefits of certain personnel; amending s. 1012.22, F.S.; revising a district school board deadline for acting on certain personnel nominations; requiring each district school board to adopt a salary schedule with differentiated pay for instructional personnel and school-based administrators beginning with the 2007-2008 academic year; creating s. 1012.2315, F.S.; providing school district requirements for the assignment of teachers and providing procedures for noncompliance; requiring reporting by certain schools; amending s. 1012.27, F.S.;

conforming provisions relating to the 2005 repeal of the BEST Florida Teaching salary career ladder program and implementation of differentiated pay; amending s. 1012.28, F.S.; conforming provisions relating to differentiated pay; amending s. 1012.34, F.S.; conforming provisions relating to deletion of a rigorous reading requirement; amending s. 1012.56, F.S.; encouraging school districts to provide mechanisms for teachers to obtain subject area coverage for middle grades; creating s. 1012.986, F.S.; establishing the William Cecil Golden Professional Development Program for School Leaders; defining the term "school leader"; providing for school leader designations; providing program requirements and delivery systems; requiring adoption of rules; repealing s. 1012.987, F.S., which requires the State Board of Education to adopt rules through which school principals may earn a leadership designation; providing an effective date.

(Amendment Bar Code: 621052)

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause

and insert:

Section 1. Paragraph (f) is added to subsection (3) of section 20.15, Florida Statutes, to read:

20.15 Department of Education.--There is created a Department of Education.

(3) DIVISIONS.--The following divisions of the Department of Education are established:

(f) Division of Accountability, Research, and Measurement.

Section 2. Paragraph (b) of subsection (3) of section 411.227, Florida Statutes, is amended to read:

411.227 Components of the Learning Gateway.--The Learning Gateway system consists of the following components:

(3) EARLY EDUCATION, SERVICES AND SUPPORTS.--

(b) Demonstration projects shall develop strategies to increase the use of appropriate intervention practices with children who have learning problems and learning disabilities within public and private early care and education programs and K-3 public and private school settings. Strategies may include training and technical assistance teams. Intervention must be coordinated and must focus on providing effective supports to children and their families within their regular education and community environment. These strategies must incorporate, as appropriate, school and district activities related to the student's progress monitoring ~~academic improvement~~ plan and must provide parents with greater access to community-based services that should be available beyond the traditional school day. Academic expectations for public school students in grades K-3 must be based upon the local school board's adopted proficiency levels. When appropriate, school personnel shall consult with the local Learning Gateway to identify other community resources for supporting the child and the family.

Section 3. Section 446.609, Florida Statutes, is repealed.

Section 4. Subsection (4) of section 1000.03, Florida Statutes, is amended to read:

1000.03 Function, mission, and goals of the Florida K-20 education system.--

(4) The mission of Florida's K-20 education system is to allow its students to increase their proficiency by allowing them the opportunity to expand their knowledge and skills through rigorous and relevant ~~adequate~~ learning opportunities, in accordance with the mission statement and accountability requirements of s. 1008.31.

Section 5. Section 1000.041, Florida Statutes, is repealed.

Section 6. Subsections (1), (3), and (14) of section 1001.03, Florida Statutes, are amended to read:

1001.03 Specific powers of State Board of Education.--

(1) PUBLIC K-12 STUDENT PERFORMANCE STANDARDS.--The State Board of Education shall approve the student performance standards known as the Sunshine State Standards in key academic subject areas and grade levels. The state board shall establish a schedule to facilitate the periodic review of the standards to ensure adequate rigor, relevance, logical student progression, and integration of reading, writing, and mathematics across all subject areas. The standards review by subject area must include participation of curriculum leaders in other content areas, including the arts, to ensure valid content area integration and to address the instructional requirements of different learning styles. The process for review and proposed revisions must include leadership and input from the state's classroom teachers, school administrators, and community colleges and universities, and from representatives from business and industry who are identified by local education foundations. A report including proposed revisions must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives annually to coincide with the established review schedule. The review schedule and an annual status report must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives annually not later than January 1.

(3) PROFESSIONAL CERTIFICATES.--The State Board of Education shall classify school services, designate the certification subject areas, establish competencies, including the use of technology to enhance student learning, and certification requirements for all school-based personnel, and prescribe rules in accordance with which the professional, temporary, and part-time certificates shall be issued by the Department of Education to applicants who meet the standards prescribed by such rules for their class of service, as described in chapter 1012. The state board shall adopt rules that give part-time and full-time nondegreed teachers of career programs, pursuant to s. 1012.39(1)(c), the opportunity to earn a reading credential equivalent to a content-area-specific reading endorsement.

(14) UNIFORM CLASSIFICATION SYSTEM FOR SCHOOL DISTRICT ADMINISTRATIVE AND MANAGEMENT PERSONNEL.--The State Board of Education shall maintain ~~recommend to the Legislature by February 1, 2003,~~ a uniform classification system for school district administrative and management personnel that will facilitate the uniform coding of administrative and management personnel to total district employees.

Section 7. Section 1001.10, Florida Statutes, is amended to read:

1001.10 Commissioner of Education; general powers and duties.--The Commissioner of Education is the chief educational officer of the state and the sole custodian of the K-20 data warehouse, and is responsible for giving full assistance to the State Board of Education in enforcing compliance with the mission and goals of the seamless K-20 education system. To facilitate innovative practices and to allow local selection of educational methods, the State Board of Education may authorize the commissioner to waive, upon the request of a district school board, State Board of Education rules that relate to district school instruction and school operations, except those rules pertaining to civil rights, and student health, safety, and welfare. The Commissioner of Education is not authorized to grant waivers for any provisions in rule pertaining to the allocation and appropriation of state and local funds for public education; the election, compensation, and organization of school board members and superintendents; graduation and state accountability standards; financial reporting requirements; reporting of out-of-field teaching assignments under s. 1012.42; public meetings; public records; or due process hearings governed by chapter 120. No later than January 1 of each year, the commissioner shall report to the Legislature and the State Board of Education all approved waiver requests in the preceding year. Additionally, the commissioner has the following general powers and duties:

(1) To appoint staff necessary to carry out his or her powers and duties.

(2) To advise and counsel with the State Board of Education on all matters pertaining to education; to recommend to the State Board of Education actions and policies as, in the commissioner's opinion, should be acted upon or adopted; and to execute or provide for the execution of all acts and policies as are approved.

(3) To keep such records as are necessary to set forth clearly all acts and proceedings of the State Board of Education.

(4) To have a seal for his or her office with which, in connection with his or her own signature, the commissioner shall authenticate true copies of decisions, acts, or documents.

(5) To recommend to the State Board of Education policies and steps designed to protect and preserve the principal of the State School Fund; to provide an assured and stable income from the fund; to execute such policies and actions as are approved; and to administer the State School Fund.

(6) To take action on the release of mineral rights based upon the recommendations of the Board of Trustees of the Internal Improvement Trust Fund.

(7) To submit to the State Board of Education, on or before August 1 of each year, recommendations for a coordinated K-20 education budget that estimates the expenditures for the State Board of Education, including the Department of Education, the Commissioner of Education, and all of the boards, institutions, agencies, and services under the general supervision of the State Board of Education for the ensuing fiscal year. Any program recommended to the State Board of Education that will require increases in state funding for more than 1 year must be presented in a multiyear budget plan.

(8) To develop and implement a plan for cooperating with the Federal Government in carrying out any or all phases of the educational program and to recommend policies for administering funds that are appropriated by Congress and apportioned to the state for any or all educational purposes. The Commissioner of Education shall submit to the Legislature the proposed state plan for the reauthorization of the No Child Left Behind Act before the proposed plan is submitted to federal agencies. The President of the Senate and the Speaker of the House of Representatives shall appoint members of the appropriate education and appropriations committees to serve as a select committee to review the proposed plan.

(9) To develop and implement policies for cooperating with other public agencies in carrying out those phases of the program in which such cooperation is required by law or is deemed by the commissioner to be desirable and to cooperate with public and nonpublic agencies in planning and bringing about improvements in the educational program.

(10) To prepare forms and procedures as are necessary to be used by district school boards and all other educational agencies to assure uniformity, accuracy, and efficiency in the keeping of records, the execution of contracts, the preparation of budgets, or the submission of reports; and to furnish at state expense, when deemed advisable by the commissioner, those forms that can more economically and efficiently be provided.

(11) To implement a program of school improvement and education accountability designed to provide all students the opportunity to make adequate learning gains in each year of school as provided by statute and State Board of Education rule based upon the achievement of the state education goals, recognizing the following:

(a) The State Board of Education is the body corporate responsible for the supervision of the system of public education.

(b) The district school board is responsible for school and student performance.

(c) The individual school is the unit for education accountability.

(d) The community college board of trustees is responsible for community college performance and student performance.

(e) The university board of trustees is responsible for university performance and student performance.

(12) To establish a Citizen Information Center responsible for the preparation, publication, and distribution of materials relating to the state system of seamless K-20 public education.

(13) To prepare and publish annually reports giving statistics and other useful information pertaining to the Opportunity Scholarship Program.

(14) To have printed or electronic copies of school laws, forms, instruments, instructions, and rules of the State Board of Education and provide for their distribution.

(15) To develop criteria for use by state instructional materials committees in evaluating materials submitted for adoption consideration. The criteria shall, as appropriate, be based on instructional expectations reflected in curriculum frameworks and student performance standards. The criteria for each subject or course shall be made available to publishers of instructional materials pursuant to the requirements of chapter 1006.

(16) To prescribe procedures for evaluating instructional materials submitted by publishers and manufacturers in each adoption.

The commissioner's office shall operate all statewide functions necessary to support the State Board of Education and the K-20 education system, including strategic planning and budget development, general administration, and assessment and accountability.

Section 8. Section 1001.215, Florida Statutes, is created to read:

1001.215 Just Read, Florida! Office.--There is created in the Department of Education the Just Read, Florida! office. The office shall be fully accountable to the Commissioner of Education and shall:

(1) Train highly effective reading coaches.

(2) Create multiple designations of effective reading instruction, with accompanying credentials, which encourage all teachers to integrate reading instruction into their content areas.

(3) Train K-12 teachers and school principals on effective content-area-specific reading strategies. For secondary teachers, emphasis shall be on technical text. These strategies must be developed for all content areas in the K-12 curriculum.

(4) Provide parents with information and strategies for assisting their children in reading in the content area.

(5) Provide technical assistance to school districts in the development and implementation of district plans for use of the research-based reading instruction allocation provided in s. 1011.62(8) and annually review and approve such plans.

(6) Review, evaluate, and provide technical assistance to school districts' implementation of the K-12 comprehensive reading plan required in s. 1011.62(8).

(7) Work with the Florida Center for Reading Research to provide information on research-based reading programs and effective reading in the content area strategies.

(8) Periodically review the Sunshine State Standards for reading at all grade levels.

(9) Periodically review teacher certification examinations, including alternative certification exams, to ascertain whether the examinations measure the skills needed for research-based reading instruction and instructional strategies for teaching reading in the content areas.

(10) Work with teacher preparation programs approved pursuant to s. 1004.04 to integrate research-based reading instructional strategies and reading in the content area instructional strategies into teacher preparation programs.

(11) Administer grants and perform other functions as necessary to meet the goal that all students read at grade level.

Section 9. Section 1001.33, Florida Statutes, is amended to read:

1001.33 Schools under control of district school board and district school superintendent.--

~~(1)~~ Except as otherwise provided by law, all public schools conducted within the district shall be under the direction and control of the district school board with the district school superintendent as executive officer.

~~(2) Each district school board, each district school superintendent, and each district and school based administrator shall cooperate to apply the following guiding principles of Better Educated Students and Teachers (BEST) Florida Teaching:~~

~~(a) Teachers lead, students learn.~~

~~(b) Teachers maintain orderly, disciplined classrooms conducive to student learning.~~

~~(c) Teachers are trained, recruited, well compensated, and retained for quality.~~

~~(d) Teachers are well rewarded for their students' high performance.~~

~~(e) Teachers are most effective when served by exemplary school administrators.~~

Section 10. Subsection (3) of section 1001.41, Florida Statutes, is amended to read:

1001.41 General powers of district school board.--The district school board, after considering recommendations submitted by the district school superintendent, shall exercise the following general powers:

(3) Prescribe and adopt standards and policies to provide each student the opportunity to receive a complete education program, including language arts, mathematics, science, social studies, health, physical education, foreign languages, and the arts, as defined by the Sunshine State Standards. The standards and policies must emphasize integration and reinforcement of reading, writing, and mathematics skills across all subjects, including career

awareness, career exploration, and career and technical education ~~as are considered desirable by it for improving the district school system~~.

Section 11. Paragraph (c) of subsection (5) of section 1001.42, Florida Statutes, is repealed, paragraph (f) of subsection (4), subsection (16), paragraph (d) of subsection (17), and subsection (18) of that section are amended, present subsection (22) is redesignated as subsection (23), and a new subsection (22) is added to that section, to read:

1001.42 Powers and duties of district school board.--The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF SCHOOLS.--Adopt and provide for the execution of plans for the establishment, organization, and operation of the schools of the district, including, but not limited to, the following:

(f) Opening and closing of schools; fixing uniform date.--Adopt policies for the opening and closing of schools and fix uniform dates; however, beginning with the 2007-2008 school year, the opening date for schools in the district may not be earlier than 14 days before Labor Day each year.

(5) PERSONNEL.--

~~(c) Fully support and cooperate in the application of the guiding principles of Better Educated Students and Teachers (BEST) Florida Teaching, pursuant to s. 1000.041.~~

(16) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.--Maintain a system of school improvement and education accountability as provided by statute and State Board of Education rule. This system of school improvement and education accountability shall be consistent with, and implemented through, the district's continuing system of planning and budgeting required by this section and ss. 1008.385, 1010.01, and 1011.01. This system of school improvement and education accountability shall include, but is not limited to, the following:

(a) School improvement plans.--Annually approve and require implementation of a new, amended, or continuation school improvement plan for each school in the district~~, except that~~ A district school board may establish a district school improvement plan that includes all schools in the district operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs. The school improvement ~~Such~~ plan shall be designed to achieve the state education priorities pursuant to s. 1000.03(5) and student proficiency on the Sunshine State Standards pursuant to s. 1003.41 ~~performance standards. In addition, any school required to implement a rigorous reading requirement pursuant to s. 1003.415 must include such component in its school improvement plan~~. Each plan shall address student achievement goals and strategies based on state and school district proficiency standards. The plan may also address issues relative to other academic-related matters ~~budget, training, instructional materials, technology, staffing, student support services, specific school safety and discipline strategies, student health and fitness, including physical fitness, parental information on student health and fitness, and indoor environmental air quality, and other matters of resource allocation~~, as determined by district school board policy, and shall include ~~be based on~~ an accurate, data-based analysis of student achievement and other school performance data. Beginning with plans approved for implementation in the 2007-2008 school year, each secondary school plan must include a redesign component based on the principles established in s. 1003.413. For each school in the district that earns a school grade of "C" or below, or is required to have a school improvement plan under federal law, the school improvement plan shall, at a minimum, also include:

1. Professional development that supports enhanced and differentiated instructional strategies to improve teaching and learning.

2. Continuous use of disaggregated student achievement data to determine effectiveness of instructional strategies.

3. Ongoing informal and formal assessments to monitor individual student progress, including progress toward mastery of the Sunshine State Standards, and to redesign instruction if needed.

4. Alternative instructional delivery methods to support remediation, acceleration, and enrichment strategies.

(b) Approval process.--Develop a process for approval of a school improvement plan presented by an individual school and its advisory council. In the event a district school board does not approve a school improvement plan after exhausting this process, the Department of Education shall be notified of the need for assistance.

(c) Assistance and intervention.--

1. Develop a 2-year plan of increasing individualized assistance and intervention for each school in danger of not meeting state standards or making adequate progress, as defined pursuant to statute and State Board of Education rule, toward meeting the goals and standards of its approved school improvement plan.

2. Provide assistance and intervention to a school that is designated with a ~~identified as being in performance~~ grade of ~~category~~ "D" pursuant to s. 1008.34 and is in danger of failing.

3. Develop a plan to encourage teachers with demonstrated mastery in improving student performance to remain at or transfer to a school with a ~~designated as performance~~ grade of ~~category~~ "D" or "F" or to an alternative school that serves disruptive or violent youths. If a classroom teacher, as defined by s. 1012.01(2)(a), who meets the definition of teaching mastery developed according to the provisions of this paragraph, requests assignment to a school designated with a ~~as performance~~ grade of ~~category~~ "D" or "F" or to an alternative school that serves disruptive or violent youths, the district school board shall make every practical effort to grant the request.

4. Prioritize, to the extent possible, the expenditures of funds received from the supplemental academic instruction categorical fund under s. 1011.62(1)(f) to improve student performance in schools that receive a ~~performance~~ grade ~~category designation~~ of "D" or "F."

(d) After 2 years.--Notify the Commissioner of Education and the State Board of Education in the event any school does not make adequate progress toward meeting the goals and standards of a school improvement plan by the end of 2 years of failing to make adequate progress and proceed according to guidelines developed pursuant to statute and State Board of Education rule. School districts shall provide intervention and assistance to schools in danger of being designated with a ~~as performance~~ grade of ~~category~~ "F," failing to make adequate progress.

(e) Public disclosure.--Provide information regarding performance of students and educational programs as required pursuant to ss. 1008.22 and 1008.385 and implement a system of school reports as required by statute and State Board of Education rule that shall include schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, and for those schools, report on the elements specified in s. 1003.52(19). Annual public disclosure reports shall be in an easy-to-read report card format and shall include the school's ~~student and school performance~~ grade, high school graduation rate calculated without GED tests, disaggregated by student ethnicity, ~~category designation~~ and performance data as specified in state board rule.

(f) School improvement funds.--Provide funds to schools for developing and implementing school improvement plans. Such funds shall include those funds appropriated for the purpose of school improvement pursuant to s. 24.121(5)(c).

(17) LOCAL-LEVEL DECISIONMAKING.--

(d) Adopt policies that assist in giving greater autonomy, including authority over the allocation of the school's budget, to schools designated with a ~~as performance~~ grade of ~~category~~ "A," making excellent progress, and schools rated as having improved at least two grades ~~performance grade categories~~.

(18) OPPORTUNITY SCHOLARSHIPS.--Adopt policies allowing students attending schools that have been designated with a ~~as performance~~ grade of ~~category~~ "F," failing to make adequate progress, for 2 school years in a 4-year period to attend a higher performing school in the district or an adjoining district or be granted a state opportunity scholarship to a private school, in conformance with s. 1002.38 and State Board of Education rule.

(22) REDUCE PAPERWORK AND DATA COLLECTION AND REPORTING REQUIREMENTS.--Beginning with the 2006-2007 school year:

(a) Each district school board shall designate a classroom teacher to serve as the teacher representative to speak on behalf of the district's teachers regarding paperwork and data collection reduction.

(b) Each district school board must provide the school community with an efficient method for the school community to communicate with the classroom teacher designee regarding possible paperwork and data collection burdens and potential solutions.

(c) The teacher designee shall annually report his or her findings and potential solutions to the school board.

(d) Each district school board must submit its findings and potential solutions to the State Board of Education by September 1 of each year.

(e) The State Board of Education shall prepare a report of the statewide paperwork and data collection findings and potential solutions and submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by October 1 of each year.

Section 12. Subsection (24) of section 1001.51, Florida Statutes, is repealed.

Section 13. Paragraphs (c) and (d) of subsection (1) and subsection (2) of section 1001.54, Florida Statutes, are amended to read:

1001.54 Duties of school principals.--

(1)

~~(c) The school principal shall encourage school personnel to implement the guiding principles for Better Educated Students and Teachers (BEST) Florida Teaching, pursuant to s. 1000.041.~~

(c)~~(d)~~ The school principal shall fully support the authority of each teacher and school bus driver to remove disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students from the classroom and the school bus and, when appropriate and available, place such students in an alternative educational setting.

(2) Each school principal shall provide instructional leadership in the development, ~~or~~ revision, and implementation of a school improvement plan, pursuant to s. 1001.42(16).

Section 14. Subsection (11) of section 1002.20, Florida Statutes, is amended to read:

1002.20 K-12 student and parent rights.--Parents of public school students must receive accurate and timely information regarding their child's academic progress and must be informed of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(11) STUDENTS WITH READING DEFICIENCIES.--Each elementary school shall regularly assess the reading ability of each K-3 student. The parent of any K-3 student who exhibits a reading deficiency shall be immediately notified of the student's deficiency with a description and explanation, in terms understandable to the parent, of the exact nature of the student's difficulty in learning and lack of achievement in reading; shall be consulted in the development of a progress monitoring ~~detailed academic improvement~~ plan, as described in s. 1008.25(4)(b); and shall be informed that the student will be given intensive reading instruction until the deficiency is corrected. This subsection operates in addition to the remediation and notification provisions contained in s. 1008.25 and in no way reduces the rights of a parent or the responsibilities of a school district under that section.

Section 15. Paragraph (b) of subsection (3) and subsection (4) of section 1003.01, Florida Statutes, are amended to read:

1003.01 Definitions.--As used in this chapter, the term:

(3)

(b) "Special education services" means specially designed instruction and such related services as are necessary for an exceptional student to benefit from education. Such services may include: transportation; diagnostic and evaluation services; social services; physical and occupational therapy; speech and language pathology services; job placement; orientation and mobility training; braillists, typists, and readers for the blind; interpreters and auditory amplification; rehabilitation counseling; transition services; mental health services; guidance and career counseling; specified materials, assistive technology devices, and other specialized equipment; and other such services as approved by rules of the state board.

(4) "Career education" means education that provides instruction for the following purposes:

(a) At the elementary, middle, and high ~~secondary~~ school levels, exploratory courses designed to give students initial exposure to a broad range of occupations to assist them in preparing their academic and occupational plans, and practical arts courses that provide generic skills that may apply to many occupations but are not designed to prepare students for entry into a specific occupation. Career education provided before high school completion must be designed to strengthen ~~enhance~~ both occupational awareness and academic skills integrated throughout all ~~through integration with~~ academic instruction.

(b) At the secondary school level, job-preparatory instruction in the competencies that prepare students for effective entry into an occupation, including diversified cooperative education, work experience, and job-entry programs that coordinate directed study and on-the-job training.

(c) At the postsecondary education level, courses of study that provide competencies needed for entry into specific occupations or for advancement within an occupation.

Section 16. Paragraph (b) of subsection (2) of section 1003.03, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

1003.03 Maximum class size.--

(2) IMPLEMENTATION.--

(b) Determination of the number of students per classroom in paragraph (a) shall be calculated as follows:

1. For fiscal years 2003-2004 through 2005-2006, the calculation for compliance for each of the 3 grade groupings shall be the average at the district level.

2. For fiscal years 2006-2007 through 2007-2008, the calculation for compliance for each of the 3 grade groupings shall be the average at the school level.

3. For fiscal years 2008-2009, 2009-2010, and thereafter, the calculation for compliance shall be at the individual classroom level.

4. For fiscal years 2006-2007 through 2009-2010 and thereafter, each teacher assigned to any classroom shall be included in the calculation for compliance.

(5) TEAM-TEACHING STRATEGIES.--

(a) School districts may use teaching strategies that include the assignment of more than one teacher to a classroom of students and that were implemented before July 1, 2005. Effective July 1, 2005, school districts may implement additional teaching strategies that include the assignment of more than one teacher to a classroom of students for the following purposes only:

1. Pairing teachers for the purpose of staff development.

2. Pairing new teachers with veteran teachers.

3. Reducing turnover among new teachers.

4. Pairing teachers who are teaching out-of-field with teachers who are in-field.

5. Providing for more flexibility and innovation in the classroom.

6. Improving learning opportunities for students, including students who have disabilities.

(b) Teaching strategies implemented on or after July 1, 2005, pursuant to paragraph (a) may be implemented subject to the following restrictions:

1. Reasonable limits shall be placed on the number of students in a classroom so that classrooms are not overcrowded. Teacher-to-student ratios within a curriculum area or grade level must not exceed constitutional limits.

2. At least one member of the team must have at least 3 years of teaching experience.

3. At least one member of the team must be teaching in-field.

4. The teachers must be trained in team-teaching methods within 1 year after assignment.

The use of strategies implemented as outlined in this subsection meets the letter and intent of the Florida Constitution and the Florida Statutes which relate to implementing class-size reduction and this subsection applies retroactively. A school district may not be penalized financially or otherwise as a result of the use of any legal strategy, including, but not limited to, those set forth in subsection (3) and this subsection.

Section 17. Subsection (3) of section 1003.05, Florida Statutes, is amended to read:

1003.05 Assistance to transitioning students from military families.--

(3) Dependent children of active duty military personnel who otherwise meet the eligibility criteria for special academic programs offered through

public schools shall be given first preference for admission to such programs even if the program is being offered through a public school other than the school to which the student would generally be assigned ~~and the school at which the program is being offered has reached its maximum enrollment~~. If such a program is offered through a public school other than the school to which the student would generally be assigned, the parent or guardian of the student must assume responsibility for transporting the student to that school. For purposes of this subsection, special academic programs include ~~charter schools,~~ magnet schools, advanced studies programs, advanced placement, dual enrollment, Advanced International Certificate of Education, and International Baccalaureate.

Section 18. Paragraph (c) of subsection (1) of section 1003.21, Florida Statutes, is amended to read:

1003.21 School attendance.--

(1)

(c) A student who attains the age of 16 years during the school year is not subject to compulsory school attendance beyond the date upon which he or she attains that age if the student files a formal declaration of intent to terminate school enrollment with the district school board. The declaration must acknowledge that terminating school enrollment is likely to reduce the student's earning potential and must be signed by the student and the student's parent. The school district must notify the student's parent of receipt of the student's declaration of intent to terminate school enrollment. The student's guidance counselor or other school personnel must conduct an exit interview with the student to determine the reasons for the student's decision to terminate school enrollment and actions that could be taken to keep the student in school. The student must be informed of opportunities to continue his or her education in a different environment, including, but not limited to, adult education and GED test preparation. Additionally, the student must complete a survey in a format prescribed by the Department of Education to provide data on student reasons for terminating enrollment and actions taken by schools to keep students enrolled.

Section 19. Section 1003.413, Florida Statutes, is created to read:

1003.413 Florida Secondary School Redesign Act.--

(1) Secondary schools are schools that primarily serve students in grades 6 through 12. It is the intent of the Legislature to provide for secondary school redesign so that students promoted from the 8th grade have the necessary academic skills for success in high school and students graduating from high school have the necessary skills for success in the workplace and postsecondary education.

(2) The following guiding principles for secondary school redesign shall be used in the annual preparation of each secondary school's improvement plan required by s. 1001.42(16):

(a) Struggling students, especially those in failing schools, need the highest quality teachers and dramatically different, innovative approaches to teaching and learning.

(b) Every teacher must contribute to every student's reading improvement.

(c) Quality professional development provides teachers and principals with the tools they need to better serve students.

(d) Small learning communities allow teachers to personalize instruction to better address student learning styles, strengths, and weaknesses.

(e) Intensive intervention in reading and mathematics must occur early and through innovative delivery systems.

(f) Parents need access to tools they can use to monitor their child's progress in school, communicate with teachers, and act early on behalf of their child.

(g) Applied and integrated courses help students see the relationships between subjects and relevance to their futures.

(h) School is more relevant when students choose courses based on their goals, interests, and talents.

(i) Master schedules should not determine instruction and must be designed based on student needs, not adult or institutional needs.

(j) Academic and career planning engages students in developing a personally meaningful course of study so they can achieve goals they have set for themselves.

(3) Based on these guiding principles, district school boards shall establish policies to implement the requirements of ss. 1003.4156, 1003.428, and 1003.493. The policies must address:

(a) Procedures for placing and promoting students who enter a Florida public school at grade 6 through grade 12 from out of state or from a foreign country, including a review of the student's prior academic performance.

(b) Alternative methods for students to demonstrate competency in required courses and credits, with special support for students who have been retained.

(c) Applied, integrated, and combined courses that provide flexibility for students to enroll in courses that are creative and meet individual learning styles and student needs.

(d) Credit recovery courses and intensive reading and mathematics intervention courses based on student performance on the FCAT. These courses should be competency based and offered through innovative delivery systems, including computer-assisted instruction. School districts should use learning gains as well as other appropriate data and provide incentives to identify and reward high-performing teachers who teach credit recovery and intensive intervention courses.

(e) Grade forgiveness policies that replace a grade of "D" or "F" with a grade of "C" or higher earned subsequently in the same or a comparable course.

(f) Summer academies for students to receive intensive reading and mathematics intervention courses or competency-based credit recovery courses. A student's participation in an instructional or remediation program prior to or immediately following entering grade 9 for the first time shall not affect that student's classification as a first-time 9th grader for reporting purposes.

(g) Strategies to support teachers' pursuit of the reading endorsement and emphasize reading instruction professional development for content area teachers.

(h) Creative and flexible scheduling designed to meet student needs.

(i) Procedures for high school students who have not prepared an electronic personal education plan pursuant to s. 1003.4156 to prepare such plan.

(j) Tools for parents to regularly monitor student progress and communicate with teachers.

(k) Additional course requirements for promotion and graduation which may be determined by each school district in the student progression plan and may include additional academic, fine and performing arts, physical education, or career and technical education courses in order to provide a complete education program pursuant to s. 1001.41(3).

(4) In order to support the successful implementation of this section by district school boards, the Department of Education shall:

(a) By February 1, 2007, increase the number of approved applied, integrated, and combined courses available to school districts.

(b) By the beginning of the 2006-2007 school year, make available a professional development package designed to provide the information that content area teachers need to become proficient in applying scientifically based reading strategies through their content areas.

(c) Share best practices for providing a complete education program to students enrolled in course recovery, credit recovery, intensive reading intervention, or intensive mathematics intervention.

(d) Expedite assistance and decisions and coordinate policies throughout all divisions within the department to provide school districts with support to implement this section.

(e) Use data to provide the Legislature with an annual longitudinal analysis of the success of this reform effort, including the progress of 6th grade students and 9th grade students scoring at Level 1 on FCAT Reading or FCAT Mathematics.

(5) The Commissioner of Education shall create and implement the Secondary School Improvement Award Program to reward public secondary schools that demonstrate continuous student academic improvement and show the greatest gains in student academic achievement in reading and mathematics.

Section 20. Section 1003.415, Florida Statutes, is repealed.

Section 21. Section 1003.4156, Florida Statutes, is created to read:

1003.4156 General requirements for middle grades promotion.--

(1) Beginning with students entering grade 6 in the 2006-2007 school year, promotion from a school composed of middle grades 6, 7, and 8 requires that:

(a) The student must successfully complete academic courses as follows:

1. Three middle school or higher courses in English. These courses shall emphasize literature, composition, and technical text.

2. Three middle school or higher courses in mathematics. Each middle school must offer at least one high-school-level mathematics course for which students may earn high school credit.

3. Three middle school or higher courses in social studies, one semester of which must include the study of state and federal government and civics education.

4. Three middle school or higher courses in science.

5. One course in career and education planning to be completed in 7th or 8th grade. The course may be taught by any member of the instructional staff; must include career exploration using CHOICES for the 21st Century or a comparable cost-effective program; must include educational planning using the online student advising system known as Florida Academic Counseling and Tracking for Students at the Internet website FACTS.org; and shall result in the completion of a personalized academic and career plan. Each student's plan must be signed by the student, the student's guidance counselor or academic advisor, and the student's parent. By January 1, 2007, the Department of Education shall develop course frameworks and professional development materials for the career and education planning course to be implemented as a stand-alone course or integrated into another course or courses.

Each school must hold a parent meeting either in the evening or on a weekend to inform parents about the course curriculum and activities. Each student shall complete an electronic personal education plan that must be signed by the student, the student's instructor or guidance counselor, and the student's parent. By January 1, 2007, the Department of Education shall develop course frameworks and professional development materials for the career exploration and education planning course. The course may be implemented as a stand-alone course or integrated into another course. The Commissioner of Education shall collect longitudinal high school course enrollment data by student ethnicity in order to analyze course-taking patterns.

(b) For each year in which a student scores at Level l on FCAT Reading, the student must be enrolled in and complete an intensive reading course the following year. Placement of Level 2 readers in either an intensive reading course or a content area course in which reading strategies are delivered shall be determined by diagnosis of reading needs. The department shall provide guidance on appropriate strategies for diagnosing and meeting the varying instructional needs of students reading below grade level. Reading courses shall be designed and offered pursuant to the comprehensive reading plan required by s. 1011.62(8).

(c) For each year in which a student scores at Level 1 or Level 2 on FCAT Mathematics, the student must receive remediation the following year, which may be integrated into the student's required mathematics course.

(2) Students in grade 6, grade 7, or grade 8 who are not enrolled in schools with a middle grades configuration are subject to the promotion requirements of this section.

(3) The State Board of Education may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section and may enforce the provisions of this section pursuant to s. 1008.32.

Section 22. Section 1003.42, Florida Statutes, is amended to read:

1003.42 Required instruction.--

(1) Each district school board shall provide all courses required for middle grades promotion, high school graduation, and appropriate instruction designed to ensure that students meet State Board of Education adopted standards in the following subject areas: reading and other language arts, mathematics, science, social studies, foreign languages, health and physical education, and the arts.

(2) Members of the instructional staff of the public schools, subject to the rules of the State Board of Education and the district school board, shall teach efficiently and faithfully, using the books and materials required that meet the highest standards for professionalism and historic accuracy, following the prescribed courses of study, and employing approved methods of instruction, the following:

(a) The history and content of the Declaration of Independence, including national sovereignty, natural law, self-evident truth, equality of all persons, limited government, popular sovereignty, and inalienable rights of life, liberty, and property, and how they form ~~it forms~~ the philosophical foundation of our government.

(b) The history, meaning, significance, and effect of the provisions of the Constitution of the United States and amendments thereto, with emphasis on each of the 10 amendments that make up the Bill of Rights and how the constitution provides the structure of our government.

(c)~~(b)~~ The arguments in support of adopting our republican form of government, as they are embodied in the most important of the Federalist Papers.

~~(c) The essentials of the United States Constitution and how it provides the structure of our government.~~

(d) Flag education, including proper flag display and flag salute.

(e) The elements of civil government, including the primary functions of and interrelationships between the Federal Government, the state, and its counties, municipalities, school districts, and special districts.

(f) The history of the United States, including the period of discovery, early colonies, the War for Independence, the Civil War, the expansion of the United States to its present boundaries, the world wars, and the civil rights movement to the present. American history shall be viewed as factual, not as constructed, shall be viewed as knowable, teachable, and testable, and shall be defined as the creation of a new nation based largely on the universal principles stated in the Declaration of Independence.

(g)~~(f)~~ The history of the Holocaust (1933-1945), the systematic, planned annihilation of European Jews and other groups by Nazi Germany, a watershed event in the history of humanity, to be taught in a manner that leads to an investigation of human behavior, an understanding of the ramifications of prejudice, racism, and stereotyping, and an examination of what it means to be a responsible and respectful person, for the purposes of encouraging tolerance of diversity in a pluralistic society and for nurturing and protecting democratic values and institutions.

(h)~~(g)~~ The history of African Americans, including the history of African peoples before the political conflicts that led to the development of slavery, the passage to America, the enslavement experience, abolition, and the contributions of African Americans to society.

(i)~~(h)~~ The elementary principles of agriculture.

(j)~~(i)~~ The true effects of all alcoholic and intoxicating liquors and beverages and narcotics upon the human body and mind.

(k)~~(j)~~ Kindness to animals.

(l)~~(k)~~ The history of the state.

(m)~~(l)~~ The conservation of natural resources.

(n)~~(m)~~ Comprehensive health education that addresses concepts of community health; consumer health; environmental health; family life, including an awareness of the benefits of sexual abstinence as the expected standard and the consequences of teenage pregnancy; mental and emotional health; injury prevention and safety; nutrition; personal health; prevention and control of disease; and substance use and abuse.

(o)~~(n)~~ Such additional materials, subjects, courses, or fields in such grades as are prescribed by law or by rules of the State Board of Education and the district school board in fulfilling the requirements of law.

(p)~~(o)~~ The study of Hispanic contributions to the United States.

(q)~~(p)~~ The study of women's contributions to the United States.

(r) The nature and importance of free enterprise to the United States economy.

(s)~~(q)~~ A character-development program in the elementary schools, similar to Character First or Character Counts, which is secular in nature ~~and stresses such character qualities as attentiveness, patience, and initiative~~. Beginning in school year 2004-2005, the character-development program shall be required in kindergarten through grade 12. Each district school board shall develop or adopt a curriculum for the character-development program that shall be submitted to the department for approval. The character-development curriculum shall stress the qualities of patriotism;~~,~~ responsibility;~~,~~ citizenship;~~,~~ kindness;~~,~~ respect for authority, life, liberty, and personal

property;~~,~~ honesty; charity;~~,~~ self-control;~~,~~ racial, ethnic, and religious tolerance;~~,~~ and cooperation.

(t)~~(r)~~ In order to encourage patriotism, the sacrifices that veterans have made in serving our country and protecting democratic values worldwide. Such instruction must occur on or before Veterans' Day and Memorial Day. Members of the instructional staff are encouraged to use the assistance of local veterans when practicable.

The State Board of Education is encouraged to adopt standards and pursue assessment of the requirements of this subsection.

(3) Any student whose parent makes written request to the school principal shall be exempted from the teaching of reproductive health or any disease, including HIV/AIDS, its symptoms, development, and treatment. A student so exempted may not be penalized by reason of that exemption. Course descriptions for comprehensive health education shall not interfere with the local determination of appropriate curriculum which reflects local values and concerns.

Section 23. Section 1003.428, Florida Statutes, is created to read:

1003.428 General requirements for high school graduation; revised.--

(1) Except as otherwise authorized pursuant to s. 1003.429, beginning with students entering their first year of high school in the 2007-2008 school year, graduation requires the successful completion of a minimum of 24 credits, an International Baccalaureate curriculum, or an Advanced International Certificate of Education curriculum. Students must be advised of eligibility requirements for state scholarship programs and postsecondary admissions.

(2) The 24 credits may be earned through applied, integrated, and combined courses approved by the Department of Education and shall be distributed as follows:

(a) Sixteen core curriculum credits:

1. Four credits in English, with major concentration in composition, reading for information, and literature.

2. Four credits in mathematics, one of which must be Algebra I, a series of courses equivalent to Algebra I, or a higher-level mathematics course. School districts are encouraged to set specific goals to increase enrollments in, and successful completion of, geometry and Algebra II.

3. Three credits in science, two of which must have a laboratory component.

4. Three credits in social studies as follows: one credit in American history; one credit in world history; one-half credit in economics; and one-half credit in American government.

5. One credit in fine arts.

6. One credit in physical education to include integration of health.

(b) Eight credits in majors, minors, or electives:

1. Four credits in a major area of interest, such as sequential courses in a career and technical program, fine and performing arts, or academic content area, selected by the student as part of the education plan required by s. 1003.4156. Students may revise major areas of interest each year as part of annual course registration processes and should update their education plan to reflect such revisions. Annually by October 1, the district school board shall approve major areas of interest and submit the list of majors to the Commissioner of Education for approval. Each major area of interest shall be deemed approved unless specifically rejected by the commissioner within 60 days. Upon approval, each district's major areas of interest shall be available for use by all school districts and shall be posted on the department's website.

2. Four credits in elective courses selected by the student as part of the education plan required by s. 1003.4156. These credits may be combined to allow for a second major area of interest pursuant to subparagraph 1., a minor area of interest, elective courses, intensive reading or mathematics intervention courses, or credit recovery courses as described in this subparagraph.

a. Minor areas of interest are composed of three credits selected by the student as part of the education plan required by s. 1003.4156 and approved by the district school board.

b. Elective courses are selected by the student in order to pursue a complete education program as described in s. 1001.41(3) and to meet eligibility requirements for scholarships.

c. For each year in which a student scores at Level l on FCAT Reading, the student must be enrolled in and complete an intensive reading course the following year. Placement of Level 2 readers in either an intensive reading course or a content area course in which reading strategies are delivered shall be determined by diagnosis of reading needs. The department shall provide guidance on appropriate strategies for diagnosing and meeting the varying instructional needs of students reading below grade level. Reading courses shall be designed and offered pursuant to the comprehensive reading plan required by s. 1011.62(8).

d. For each year in which a student scores at Level 1 or Level 2 on FCAT Mathematics, the student must receive remediation the following year. These courses may be taught through applied, integrated, or combined courses and are subject to approval by the department for inclusion in the Course Code Directory.

e. Credit recovery courses shall be offered so that students can simultaneously earn an elective credit and the recovered credit.

(3)(a) A district school board may require specific courses and programs of study within the minimum credit requirements for high school graduation and shall modify basic courses, as necessary, to assure exceptional students the opportunity to meet the graduation requirements for a standard diploma, using one of the following strategies:

1. Assignment of the exceptional student to an exceptional education class for instruction in a basic course with the same student performance standards as those required of nonexceptional students in the district school board student progression plan; or

2. Assignment of the exceptional student to a basic education class for instruction that is modified to accommodate the student's exceptionality.

(b) The district school board shall determine which of these strategies to employ based upon an assessment of the student's needs and shall reflect this decision in the student's individual education plan.

(4) Each district school board shall establish standards for graduation from its schools, which must include:

(a) Successful completion of the academic credit or curriculum requirements of subsections (1) and (2).

(b) Earning passing scores on the FCAT, as defined in s. 1008.22(3)(c), or scores on a standardized test that are concordant with passing scores on the FCAT as defined in s. 1008.22(9).

(c) Completion of all other applicable requirements prescribed by the district school board pursuant to s. 1008.25.

(d) Achievement of a cumulative grade point average of 2.0 on a 4.0 scale, or its equivalent, in the courses required by this section.

(5) The State Board of Education, after a public hearing and consideration, shall adopt rules based upon the recommendations of the commissioner for the provision of test accommodations and modifications of procedures as necessary for students with disabilities which will demonstrate the student's abilities rather than reflect the student's impaired sensory, manual, speaking, or psychological process skills.

(6) The public hearing and consideration required in subsection (5) shall not be construed to amend or nullify the requirements of security relating to the contents of examinations or assessment instruments and related materials or data as prescribed in s. 1008.23.

(7)(a) A student who meets all requirements prescribed in subsections (1), (2), (3), and(4) shall be awarded a standard diploma in a form prescribed by the State Board of Education.

(b) A student who completes the minimum number of credits and other requirements prescribed by subsections (1), (2), and (3), but who is unable to meet the standards of paragraph (4)(b), paragraph (4)(c), or paragraph (4)(d), shall be awarded a certificate of completion in a form prescribed by the State Board of Education. However, any student who is otherwise entitled to a certificate of completion may elect to remain in the secondary school either as a full-time student or a part-time student for up to 1 additional year and receive special instruction designed to remedy his or her identified deficiencies.

(8)(a) Each district school board must provide instruction to prepare students with disabilities to demonstrate proficiency in the skills and competencies necessary for successful grade-to-grade progression and high school graduation.

(b) A student with a disability, as defined in s. 1007.02(2), for whom the individual education plan (IEP) committee determines that the FCAT cannot accurately measure the student's abilities taking into consideration all allowable accommodations, shall have the FCAT requirement of paragraph (4)(b) waived for the purpose of receiving a standard high school diploma, if the student:

1. Completes the minimum number of credits and other requirements prescribed by subsections (1), (2), and (3).

2. Does not meet the requirements of paragraph (4)(b) after one opportunity in 10th grade and one opportunity in 11th grade.

(9) The Commissioner of Education may award a standard high school diploma to honorably discharged veterans who started high school between 1937 and 1946 and were scheduled to graduate between 1941 and 1950 but were inducted into the United States Armed Forces between September 16, 1940, and December 31, 1946, prior to completing the necessary high school graduation requirements. Upon the recommendation of the commissioner, the State Board of Education may develop criteria and guidelines for awarding such diplomas.

(10) The Commissioner of Education may award a standard high school diploma to honorably discharged veterans who started high school between 1946 and 1950 and were scheduled to graduate between 1950 and 1954, but were inducted into the United States Armed Forces between June 27, 1950, and January 31, 1955, and served during the Korean Conflict prior to completing the necessary high school graduation requirements. Upon the recommendation of the commissioner, the State Board of Education may develop criteria and guidelines for awarding such diplomas.

(11) The State Board of Education may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section and may enforce the provisions of this section pursuant to s. 1008.32.

Section 24. Section 1003.429, Florida Statutes, is amended to read:

1003.429 Accelerated high school graduation options.--

(1) Students who enter grade 9 in the 2006-2007 ~~2004-2005~~ school year and thereafter may select, upon receipt of each consent required by this section, one of the following three high school graduation options:

(a) Completion of the general requirements for high school graduation pursuant to s. 1003.43;

(b) Completion of a 3-year standard college preparatory program requiring successful completion of a minimum of 18 academic credits in grades 9 through 12. At least 6 of the 18 credits required for completion of this program must be received in classes that are offered pursuant to the International Baccalaureate Program, the Advanced Placement Program ~~honors~~, dual enrollment, ~~advanced placement, International Baccalaureate,~~ Advanced International Certificate of Education, or specifically listed or identified by the Department of Education as rigorous pursuant to s. 1009.531(3)~~, or weighted by the district school board for class ranking purposes~~. The 18 credits required for completion of this program shall be primary requirements and shall be distributed as follows:

1. Four credits in English, with major concentration in composition and literature;

2. Three credits in mathematics at the Algebra I level or higher from the list of courses that qualify for state university admission;

3. Three credits in natural science, two of which must have a laboratory component;

4. Three credits in social sciences, which must include one credit in American history, one credit in world history, one-half credit in American government, and one-half credit in economics;

5. Two credits in the same second language unless the student is a native speaker of or can otherwise demonstrate competency in a language other than English. If the student demonstrates competency in another language, the student may replace the language requirement with two credits in other academic courses; and

6. Three credits in electives; or

(c) Completion of a 3-year career preparatory program requiring successful completion of a minimum of 18 academic credits in grades 9 through 12. The 18 credits shall be primary requirements and shall be distributed as follows:

1. Four credits in English, with major concentration in composition and literature;

2. Three credits in mathematics, one of which must be Algebra I;

3. Three credits in natural science, two of which must have a laboratory component;

4. Three credits in social sciences, which must include one credit in American history, one credit in world history, one-half credit in American government, and one-half credit in economics;

5. Three credits in a single vocational or career education program, three credits in career and technical certificate dual enrollment courses, or five credits in vocational or career education courses; and

6. Two credits in electives unless five credits are earned pursuant to subparagraph 5.

Any student who selected an accelerated graduation program before July 1, 2004, may continue that program, and all statutory program requirements that were applicable when the student made the program choice shall remain applicable to the student as long as the student continues that program.

(2) Prior to selecting a program described in paragraph (1)(b) or paragraph (1)(c), a student and the student's parent must meet with designated school personnel to receive an explanation of the relative requirements, advantages, and disadvantages of each program option, and the student must also receive the written consent of the student's parent. ~~the following requirements must be met:~~

~~(a) Designated school personnel shall meet with the student and student's parent to give an explanation of the relative requirements, advantages, and disadvantages of each graduation option.~~

~~(b) The student shall submit to the high school principal and guidance counselor a signed parental consent to enter the 3-year accelerated graduation program.~~

~~(c) The student shall have achieved at least an FCAT reading achievement level of 3, an FCAT mathematics achievement level of 3, and an FCAT Writing score of 3 on the most recent assessments taken by the student.~~

(3) Beginning with the 2006-2007 ~~2004-2005~~ school year, each district school board shall provide each student in grades 6 through 9 and their parents with information concerning the 3-year and 4-year high school graduation options listed in subsection (1), including the respective curriculum requirements for those options, so that the students and their parents may select the program ~~postsecondary education or career plan~~ that best fits their needs. The information must ~~shall~~ include a timeframe for achieving each graduation option.

(4) Selection of one of the graduation options listed in subsection (1) must be completed by the student prior to the end of grade 9 and is exclusively up to the student and parent, subject to the requirements in subsection (2). Each district school board shall establish policies for extending this deadline to the end of a student's first semester of grade 10 for a student who entered a Florida public school after grade 9 upon transfer from a private school or another state or who was prevented from choosing a graduation option due to illness during grade 9. If the student and parent fail to select a graduation option, the student shall be considered to have selected the general requirements for high school graduation pursuant to paragraph (1)(a).

(5) District school boards may ~~shall~~ not establish requirements for accelerated 3-year high school graduation options in excess of the requirements in paragraphs (1)(b) and (c).

(6) Students pursuing accelerated 3-year high school graduation options pursuant to paragraph (1)(b) or paragraph (1)(c) are required to:

(a) Earn passing scores on the FCAT as defined in s. 1008.22(3)(c) or scores on a standardized test that are concordant with passing scores on the FCAT as defined in s. 1008.22(9).

(b)1. Achieve a cumulative weighted grade point average of 3.5 ~~3.0~~ on a 4.0 scale, or its equivalent, in the courses required for the college preparatory accelerated 3-year high school graduation option pursuant to paragraph (1)(b); or

2. Achieve a cumulative weighted grade point average of 3.0 on a 4.0 scale, or its equivalent, in the courses required for the career preparatory accelerated 3-year high school graduation option pursuant to paragraph (1)(c).

(c) Receive a weighted or unweighted grade that earns at least 3.0 points, or its equivalent, to earn course credit toward the 18 credits required for the college preparatory accelerated 3-year high school graduation option pursuant to paragraph (1)(b).

(d) Receive a weighted or unweighted grade that earns at least 2.0 points, or its equivalent, to earn course credit toward the 18 credits required for the career preparatory accelerated 3-year high school graduation option pursuant to paragraph (1)(c).

Weighted grades referred to in paragraphs (b), (c), and (d) shall be applied to those courses specifically listed or identified by the department as rigorous pursuant to s. 1009.531(3) or weighted by the district school board for class ranking purposes.

(7) If, at the end of grade 10, a student is not on track to meet the credit, assessment, or grade-point-average requirements of the accelerated graduation option selected, the school shall notify the student and parent of the following:

(a) The requirements that the student is not currently meeting.

(b) The specific performance necessary in grade 11 for the student to meet the accelerated graduation requirements.

(c) The right of the student to change to the 4-year program set forth in s. 1003.43.

(8) A student who selected one of the accelerated 3-year graduation options shall automatically move to the 4-year program set forth in s. 1003.43 if the student:

(a) Exercises his or her right to change to the 4-year program;

(b) Fails to earn 5 credits by the end of grade 9 or fails to earn 11 credits by the end of grade 10;

(c) Does not achieve a score of 3 or higher on the grade 10 FCAT Writing assessment; or

(d) By the end of grade 11 does not meet the requirements of subsections (1) and (6).

(9) A student who meets all requirements prescribed in subsections (1) and (6) shall be awarded a standard diploma in a form prescribed by the State Board of Education.

Section 25. Section 1003.437, Florida Statutes, is amended to read:

1003.437 Middle and high school grading system.--The grading system and interpretation of letter grades used for students in public ~~high~~ schools in grades 6-12 shall be as follows:

(1) Grade "A" equals 90 percent through 100 percent, has a grade point average value of 4, and is defined as "outstanding progress."

(2) Grade "B" equals 80 percent through 89 percent, has a grade point average value of 3, and is defined as "above average progress."

(3) Grade "C" equals 70 percent through 79 percent, has a grade point average value of 2, and is defined as "average progress."

(4) Grade "D" equals 60 percent through 69 percent, has a grade point average value of 1, and is defined as "lowest acceptable progress."

(5) Grade "F" equals zero percent through 59 percent, has a grade point average value of zero, and is defined as "failure."

(6) Grade "I" equals zero percent, has a grade point average value of zero, and is defined as "incomplete."

For the purposes of class ranking, district school boards may exercise a weighted grading system pursuant to s. 1007.271.

Section 26. Section 1003.491, Florida Statutes, is amended to read:

1003.491 Career education.--

(1) School board, superintendent, and school accountability for career education within elementary and secondary schools includes, but is not limited to:

(a) Student exposure to a variety of careers and provision of instruction to explore specific careers in greater depth.

(b) Student awareness of available career programs and the corresponding occupations into which such programs lead.

(c) Student development of individual academic and career plans as specified in s. 1003.4156.

(d) Integration of academic and career skills in the secondary curriculum.

(e) Student preparation to enter the workforce and enroll in postsecondary education without being required to complete college preparatory or career preparatory instruction.

(f) Student retention in school through high school graduation.

(g) Career education curriculum articulation with corresponding postsecondary programs in the career center or community college, or both.

(2) A ~~No~~ school board or public school may not ~~shall~~ require a student to participate in any school-to-work or job training program. A district school board or school may ~~shall~~ not require a student to meet occupational standards for grade level promotion or graduation unless the student is voluntarily enrolled in a job training program.

(3) Each district school board and superintendent shall implement all components required to obtain the career education certification on the high school diploma if the school district chooses to offer the certification.

Section 27. Section 1003.493, Florida Statutes, is created to read:

1003.493 Career and professional academies.--

(1) A career and professional academy is a research-based program that integrates a rigorous academic curriculum with an industry-driven career curriculum. Career and professional academies may be offered by public schools, school districts, or the Florida Virtual School. Students completing career and professional academy programs receive a standard high school diploma, the highest available industry certification, and postsecondary credit if the academy partners with a postsecondary institution.

(2) The goals of career and professional academies are to:

(a) Increase student academic achievement and graduation rates through integrated academic and career curricula.

(b) Focus on career preparation through rigorous academics and industry certification.

(c) Raise student aspiration and commitment to academic achievement and work ethics.

(d) Support the revised graduation requirements pursuant to s. 1003.428 by providing creative, applied majors.

(e) Promote acceleration mechanisms, such as dual enrollment, articulated credit, or occupational completion points, so that students may earn postsecondary credit while in high school.

(f) Support the state's economy by meeting industry needs for skilled employees in high-demand occupations.

(3) A career and professional academy may be offered as one of the following small learning communities:

(a) A school-within-a-school career academy, as part of an existing high school, that provides courses in one occupational cluster. Students in the high school are not required to be students in the academy.

(b) A total school configuration providing multiple academies each structured around an occupational cluster. Every student in the school is in an academy.

(4) Each career and professional academy must:

(a) Provide a rigorous standards-based academic curriculum integrated with a career curriculum. The curriculum must take into consideration multiple styles of student learning; promote learning by doing through application and adaptation; maximize relevance of the subject matter; enhance each student's capacity to excel; and include an emphasis on work habits and work ethics.

(b) Include one or more partnerships with postsecondary institutions, businesses, industry, employers, economic development organizations, or other appropriate partners from the local community. Such partnerships must provide opportunities for:

1. Instruction from highly skilled professionals.

2. Internships, externships, and on-the-job training.

3. A postsecondary degree, diploma, or certificate.

4. The highest available level of industry certification. Where no national or state certification exists, school districts may establish a local certification in conjunction with the local workforce development board, the chamber of commerce, or the Agency for Workforce Innovation.

5. Maximum articulation of credits pursuant to s. 1007.23 upon program completion.

(c) Provide creative and tailored student advisement, including parent participation and coordination with middle schools to provide career

exploration and education planning as required under s. 1003.4156. Coordination with middle schools must provide information to middle school students about secondary and postsecondary career education programs and academies.

(d) Provide a career education certification on the high school diploma pursuant to s. 1003.431.

(e) Provide instruction in careers designated as high growth, high demand, and high pay by the local workforce development board, the chamber of commerce, or the Agency for Workforce Innovation.

(f) Deliver academic content through instruction relevant to the career, including intensive reading and mathematics intervention required by s. 1003.428, with an emphasis on strengthening reading for information skills.

(g) Provide instruction resulting in competency, certification, or credentials in workplace skills, including, but not limited to, communication skills, interpersonal skills, decisionmaking skills, the importance of attendance and timeliness in the work environment, and work ethics.

(h) Provide opportunities for students to obtain the Florida Ready to Work Certification pursuant to s. 1004.99.

(i) Include an evaluation plan developed jointly with the Department of Education. The evaluation plan must include a self-assessment tool based on standards, such as the Career Academy National Standards of Practice, and outcome measures including, but not limited to, graduation rates, enrollment in postsecondary education, business and industry satisfaction, employment and earnings, achievement of industry certification, awards of postsecondary credit, and FCAT achievement levels and learning gains.

Section 28. Paragraphs (g) and (n) of subsection (2) of section 1003.51, Florida Statutes, are amended to read:

1003.51 Other public educational services.--

(2) The State Board of Education shall adopt and maintain an administrative rule articulating expectations for effective education programs for youth in Department of Juvenile Justice programs, including, but not limited to, education programs in juvenile justice commitment and detention facilities. The rule shall articulate policies and standards for education programs for youth in Department of Juvenile Justice programs and shall include the following:

(g) Funding requirements, which shall include the requirement that at least 90 percent of the FEFP funds generated by students in Department of Juvenile Justice programs or in an education program for juveniles under s. 985.223 be spent on instructional costs for those students. One hundred percent of the formula-based categorical funds generated by students in Department of Juvenile Justice programs must be spent on appropriate categoricals such as instructional materials and public school technology for those students.

(n) Performance expectations for providers and district school boards, including the provision of a progress monitoring ~~an academic improvement~~ plan as required in s. 1008.25.

Section 29. Subsection (7) of section 1003.52, Florida Statutes, is amended to read:

1003.52 Educational services in Department of Juvenile Justice programs.--

(7) A progress monitoring ~~An academic improvement~~ plan shall be developed for students who score below the level specified in district school board policy in reading, writing, and mathematics or below the level specified by the Commissioner of Education on statewide assessments as required by s. 1008.25. These plans shall address academic, literacy, and life skills and shall include provisions for intensive remedial instruction in the areas of weakness.

Section 30. Section 1003.57, Florida Statutes, is amended to read:

1003.57 Exceptional students instruction.--

(1) Each district school board shall provide for an appropriate program of special instruction, facilities, and services for exceptional students as prescribed by the State Board of Education as acceptable, including provisions that:

(a)~~(1)~~ The district school board provide the necessary professional services for diagnosis and evaluation of exceptional students.

(b)~~(2)~~ The district school board provide the special instruction, classes, and services, either within the district school system, in cooperation with other district school systems, or through contractual arrangements with approved private schools or community facilities that meet standards established by the commissioner.

(c)~~(3)~~ The district school board annually provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a sensory-impaired student.

(d)~~(4)~~ The district school board, once every 3 years, submit to the department its proposed procedures for the provision of special instruction and services for exceptional students.

(e)~~(5)~~ A ~~No~~ student may not be given special instruction or services as an exceptional student until after he or she has been properly evaluated, classified, and placed in the manner prescribed by rules of the State Board of Education. The parent of an exceptional student evaluated and placed or denied placement in a program of special education shall be notified of each such evaluation and placement or denial. Such notice shall contain a statement informing the parent that he or she is entitled to a due process hearing on the identification, evaluation, and placement, or lack thereof. Such hearings shall be exempt from the provisions of ss. 120.569, 120.57, and 286.011, except to the extent that the State Board of Education adopts rules establishing other procedures and any records created as a result of such hearings shall be confidential and exempt from the provisions of s. 119.07(1). The hearing must be conducted by an administrative law judge from the Division of Administrative Hearings of the Department of Management Services. The decision of the administrative law judge shall be final, except that any party aggrieved by the finding and decision rendered by the administrative law judge shall have the right to bring a civil action in the circuit court. In such an action, the court shall receive the records of the administrative hearing and shall hear additional evidence at the request of either party. In the alternative, any party aggrieved by the finding and decision rendered by the administrative law judge shall have the right to request an impartial review of the administrative law judge's order by the district court of appeal as provided by s. 120.68. Notwithstanding any law to the contrary, during the pendency of any proceeding conducted pursuant to this section, unless the district school board and the parents otherwise agree, the student shall remain in his or her then-current educational assignment or, if applying for initial admission to a public school, shall be assigned, with the consent of the parents, in the public school program until all such proceedings have been completed.

(f)~~(6)~~ In providing for the education of exceptional students, the district school superintendent, principals, and teachers shall utilize the regular school facilities and adapt them to the needs of exceptional students to the maximum extent appropriate. Segregation of exceptional students shall occur only if the nature or severity of the exceptionality is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

(g)~~(7)~~ In addition to the services agreed to in a student's individual education plan, the district school superintendent shall fully inform the parent of a student having a physical or developmental disability of all available services that are appropriate for the student's disability. The superintendent shall provide the student's parent with a summary of the student's rights.

(2)(a) An exceptional student with a disability who resides in a residential facility and receives special instruction or services is considered a resident of the state in which the student's parent is a resident. The cost of such instruction, facilities, and services for a nonresident student with a disability shall be provided by the placing authority in the student's state of residence, such as a public school entity, other placing authority, or parent. A nonresident student with a disability may not be reported by any school district for FTE funding in the Florida Education Finance Program.

(b) The Department of Education shall provide to each school district a statement of the specific limitations of the district's financial obligation for exceptional students with disabilities under federal and state law. The department shall also provide to each school district technical assistance as necessary for developing a local plan to impose on a student's home state the fiscal responsibility for educating a nonresident exceptional student with a disability.

(c) The Department of Education shall develop a process by which a school district must, before providing services to an exceptional student with a disability who resides in a residential facility in this state, review the residency of the student. The residential facility, not the district, is

responsible for billing and collecting from a nonresidential student's home state payment for the student's educational and related services.

(d) The Department of Education shall formulate an interagency agreement or other mechanism for billing and collecting from a nonresidential student's home state payment for the student's educational and related services.

(e) This subsection applies to any nonresident student with a disability who resides in a residential facility and who receives instruction as an exceptional student with a disability in any type of residential facility in this state, including, but not limited to, a public school, a private school, a group home facility as defined in s. 393.063, an intensive residential treatment program for children and adolescents as defined in s. 395.002, a facility as defined in s. 394.455, an intermediate care facility for the developmentally disabled or ICF/DD as defined in s. 393.063 or s. 400.960, or a community residential home as defined in s. 419.001.

Section 31. Section 1003.576, Florida Statutes, is created to read:

1003.576 Individual education plans for exceptional students.--The Department of Education must develop and have an operating electronic IEP system in place for potential statewide use no later than July 1, 2007. The statewide system shall be developed collaboratively with school districts and must include input from school districts currently developing or operating electronic IEP systems.

Section 32. Subsection (3) of section 1003.58, Florida Statutes, is amended to read:

1003.58 Students in residential care facilities.--Each district school board shall provide educational programs according to rules of the State Board of Education to students who reside in residential care facilities operated by the Department of Children and Family Services.

(3) The district school board shall have full and complete authority in the matter of the assignment and placement of such students in educational programs. The parent of an exceptional student shall have the same due process rights as are provided under s. 1003.57(1)(e) ~~s. 1003.57(5)~~.

Notwithstanding the provisions herein, the educational program at the Marianna Sunland Center in Jackson County shall be operated by the Department of Education, either directly or through grants or contractual agreements with other public or duly accredited educational agencies approved by the Department of Education.

Section 33. Paragraph (a) of subsection (1) and paragraph (a) of subsection (2) of section 1003.62, Florida Statutes, are amended to read:

1003.62 Academic performance-based charter school districts.--The State Board of Education may enter into a performance contract with district school boards as authorized in this section for the purpose of establishing them as academic performance-based charter school districts. The purpose of this section is to examine a new relationship between the State Board of Education and district school boards that will produce significant improvements in student achievement, while complying with constitutional and statutory requirements assigned to each entity.

(1) ACADEMIC PERFORMANCE-BASED CHARTER SCHOOL DISTRICT.--

(a) A school district shall be eligible for designation as an academic performance-based charter school district if it is a high-performing school district in which a minimum of 50 percent of the schools earn a ~~performance~~ grade of ~~category~~ "A" or "B" and in which no school earns a ~~performance~~ grade of ~~category~~ "D" or "F" for 2 consecutive years pursuant to s. 1008.34. Schools that receive a ~~performance~~ grade of ~~category~~ "I" or "N" shall not be included in this calculation. The performance contract for a school district that earns a charter based on school ~~performance~~ grades shall be predicated on maintenance of at least 50 percent of the schools in the school district earning a ~~performance~~ grade of ~~category~~ "A" or "B" with no school in the school district earning a ~~performance~~ grade of ~~category~~ "D" or "F" for 2 consecutive years. A school district in which the number of schools that earn a ~~performance~~ grade of "A" or "B" is less than 50 percent may have its charter renewed for 1 year; however, if the percentage of "A" or "B" schools is less than 50 percent for 2 consecutive years, the charter shall not be renewed.

(2) EXEMPTION FROM STATUTES AND RULES.--

(a) An academic performance-based charter school district shall operate in accordance with its charter and shall be exempt from certain State Board of Education rules and statutes if the State Board of Education determines such an exemption will assist the district in maintaining or improving its high-performing status pursuant to paragraph (1)(a). However, the State Board of Education may not exempt an academic performance-based charter school district from any of the following statutes:

1. Those statutes pertaining to the provision of services to students with disabilities.

2. Those statutes pertaining to civil rights, including s. 1000.05, relating to discrimination.

3. Those statutes pertaining to student health, safety, and welfare.

4. Those statutes governing the election or compensation of district school board members.

5. Those statutes pertaining to the student assessment program and the school grading system, including chapter 1008.

6. Those statutes pertaining to financial matters, including chapter 1010.

7. Those statutes pertaining to planning and budgeting, including chapter 1011, except that ss. 1011.64 and 1011.69 shall be eligible for exemption.

8. Sections 1012.22(1)(c) and 1012.27(2), relating to differentiated pay and performance-pay policies for school administrators and instructional personnel. Professional service contracts shall be subject to the provisions of ss. 1012.33 and 1012.34.

9. Those statutes pertaining to educational facilities, including chapter 1013, except as specified under contract with the State Board of Education. However, no contractual provision that could have the effect of requiring the appropriation of additional capital outlay funds to the academic performance-based charter school district shall be valid.

Section 34. Section 1004.64, Florida Statutes, is created to read:

1004.64 Florida Center for Reading Research.--There is created at the Florida State University, the Florida Center for Reading Research (FCRR). The center shall include two outreach centers, one at a central Florida community college and one at a south Florida state university. The center and the outreach centers, under the center's leadership, shall:

(1) Provide technical assistance and support to all school districts and schools in this state in the implementation of evidence-based literacy instruction, assessments, programs, and professional development.

(2)Conduct applied research that will have an immediate impact on policy and practices related to literacy instruction and assessment in this state with an emphasis on struggling readers and reading in the content area strategies and methods for secondary teachers.

(3) Conduct basic research on reading, reading growth, reading assessment, and reading instruction which will contribute to scientific knowledge about reading.

(4) Collaborate with the Just Read! Florida Office and school districts in the development of frameworks for comprehensive reading intervention courses for possible use in middle schools and secondary schools.

(5) Collaborate with the Just Read! Florida Office and school districts in the development of frameworks for professional development activities, using multiple delivery methods for teaching reading in the content area.

(6) Disseminate information about research-based practices related to literacy instruction, assessment, and programs for students in preschool through grade 12.

(7) Collect, manage, and report on assessment information from screening, progress monitoring, and outcome assessments through the Florida Progress Monitoring and Reporting Network. The network is a statewide resource that is operated to provide valid and timely reading assessment data for parents, teachers, principals, and district-level and state-level staff in the management of instruction at the individual, classroom, and school levels.

Section 35. Section 1004.99, Florida Statutes, is created to read:

1004.99 Florida Ready to Work Certification Program.--

(1) There is created the Florida Ready to Work Certification Program to enhance the workplace skills of Florida's students to better prepare them for successful employment in specific occupations.

(2) The Florida Ready to Work Certification Program may be conducted in public middle and high schools, community colleges, technical centers, one-stop career centers, vocational rehabilitation centers, and Department of

Juvenile Justice educational facilities. The program may be made available to other entities that provide job training. The Department of Education shall establish institutional readiness criteria for program implementation.

(3) The Florida Ready to Work Certification Program shall be composed of:

(a) A comprehensive identification of workplace skills for each occupation identified for inclusion in the program by the Agency for Workforce Innovation and the Department of Education.

(b) A preinstructional assessment that delineates the student's mastery level on the specific workplace skills identified for that occupation.

(c) A targeted instructional program limited to those identified workplace skills in which the student is not proficient as measured by the preinstructional assessment. Instruction must utilize a web-based program and be customized to meet identified specific needs of local employers.

(d) A certificate and portfolio awarded to students upon successful completion of the instruction. Each portfolio must delineate the skills demonstrated by the student as evidence of the student's preparation for employment.

(4) The State Board of Education, in consultation with the Agency for Workforce Innovation, may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section.

Section 36. Subsection (4) of section 1006.09, Florida Statutes, is amended to read:

1006.09 Duties of school principal relating to student discipline and school safety.--

(4) When a student has been the victim of a violent crime perpetrated by another student who attends the same school, the school principal shall make full and effective use of the provisions of subsection (2) and s. 1006.13(5). A school principal who fails to comply with this subsection shall be ineligible for any portion of the performance pay policy incentive or the differentiated pay under s. 1012.22 ~~s. 1012.22(1)(c)~~. However, if any party responsible for notification fails to properly notify the school, the school principal shall be eligible for the incentive or differentiated pay.

Section 37. Section 1007.21, Florida Statutes, is amended to read:

1007.21 Readiness for postsecondary education and the workplace.--

(1) It is the intent of the Legislature that students and parents develop academic ~~set early~~ achievement and career goals for the student's post-high-school ~~post-high school~~ experience during the middle grades. ~~This section sets forth a model which schools, through their school advisory councils, may choose to implement to ensure that students are ready for postsecondary education and the workplace. If such a program is adopted, students and their parents shall have the option of participating in this model to plan the student's secondary level course of study.~~ Parents and students are to become partners with school personnel in career exploration and educational decisionmaking ~~choice~~. Clear academic course expectations that emphasize rigorous and relevant coursework shall be made available to all students by allowing both student and parent choice.

(2)(a) Students entering the 9th grade and their parents shall have developed during the middle grades a 4- to 5-year academic and career plan based on postsecondary and career ~~be active participants in choosing an end-of-high-school student destination based upon both student and parent~~ goals. Alternate career and academic ~~Four or more~~ destinations should be considered ~~available~~ with bridges between destinations to enable students to shift academic and career priorities if ~~destinations should~~ they choose to change goals. The destinations shall accommodate the needs of students served in exceptional education programs to the extent appropriate for individual students. Exceptional education students may continue to follow the courses outlined in the district school board student progression plan. ~~Participating~~ Students and their parents shall choose among destinations, which must include:

1. Four-year college or university, community college plus university, or military academy degree.

2. Two-year postsecondary degree.

3. Postsecondary career certificate.

4. Immediate employment or entry-level military.

5. A combination of the above.

(b) The student progression model toward a chosen destination shall include:

1. A "path" of core courses leading to each of the destinations provided in paragraph (a).

2. A recommended group of electives which shall help define each path.

3. Provisions for a teacher, school administrator, other school staff member, or community volunteer to be assigned to a student as an "academic advocate" if parental involvement is lacking.

(c) The common placement test authorized in ss. 1001.03(10) and 1008.30 or a similar test may be administered to all high school second semester sophomores who have chosen one of the four destinations. The results of the placement test shall be used to target additional instructional needs in reading, writing, and mathematics prior to graduation.

(d) Ample opportunity shall be provided for students to move from one destination to another, and some latitude shall exist within each destination, to meet the individual needs of students.

(e) Destinations specified in subparagraphs (a)1., 2., and 3. shall support the goals of the Tech Prep program. Students participating in Tech Prep shall be enrolled in articulated, sequential programs of study that include a technical component and at least a minimum of a postsecondary certificate or 2-year degree.

(f) In order for these destinations to be attainable, the business community shall be encouraged to support real-world internships and apprenticeships.

(g) All students shall be encouraged to take part in service learning opportunities.

(h) High school equivalency diploma preparation programs shall not be a choice for high school students leading to any of the four destinations provided in paragraph (a) since the appropriate coursework, counseling component, and career preparation cannot be ensured.

(i) Schools shall ensure that students and parents are made aware of the destinations available and provide the necessary coursework to assist the student in reaching the chosen destination. Students and parents shall be made aware of the student's progress toward the chosen destination.

(j) The Department of Education shall offer technical assistance to school districts to ensure that the destinations offered also meet the academic standards adopted by the state.

(3)(a) Access to Level I courses for graduation credit and for pursuit of a declared destination shall be limited to only those students for whom assessment indicates a more rigorous course of study would be inappropriate.

(b) The school principal shall:

1. Designate a member of the existing instructional or administrative staff to serve as a specialist to help coordinate the use of student achievement strategies to help students succeed in their coursework. The specialist shall also assist teachers in integrating the academic and career curricula, utilizing technology, providing feedback regarding student achievement, and implementing the Blueprint for Career Preparation and Tech Prep programs.

2. Institute strategies to eliminate reading, writing, and mathematics deficiencies of secondary students.

Section 38. Paragraph (c) of subsection (3) of section 1007.2615, Florida Statutes, is amended to read:

1007.2615 American Sign Language; findings; foreign-language credits authorized; teacher licensing.--

(3) DUTIES OF COMMISSIONER OF EDUCATION AND STATE BOARD OF EDUCATION; LICENSING OF AMERICAN SIGN LANGUAGE TEACHERS; PLAN FOR POSTSECONDARY EDUCATION PROVIDERS.--

(c) An ASL teacher must be certified by the Department of Education by July 1, 2009 ~~January 1, 2008, and must obtain current certification through the Florida American Sign Language Teachers' Association (FASLTA) by January 1, 2006~~. ~~New FASLTA certification may be used by current ASL teachers as an alternative certification track.~~

Section 39. Subsections (5) and (16) of section 1007.271, Florida Statutes, are amended to read:

1007.271 Dual enrollment programs.--

(5) Each district school board shall inform all secondary students of dual enrollment as an educational option and mechanism for acceleration. Students shall be informed of eligibility criteria, the option for taking dual enrollment

courses beyond the regular school year, and the minimum academic credits required for graduation. District school boards shall annually assess the demand for dual enrollment and other advanced courses, and the district school board shall consider strategies and programs to meet that demand and include access to dual enrollment on the high school campus whenever possible. Alternative grade calculation, weighting systems, or information regarding student education options which discriminates against dual enrollment courses are prohibited.

(16) Beginning with students entering grade 9 in the 2006-2007 school year, school districts and community colleges must weigh ~~college-level~~ dual enrollment courses the same as ~~honors courses and~~ advanced placement, International Baccalaureate, and Advanced International Certificate of Education courses when grade point averages are calculated. Alternative grade calculation or weighting systems that discriminate against dual enrollment courses are prohibited.

Section 40. Paragraphs (c) and (f) of subsection (1), paragraphs (c), (e), and (f) of subsection (3), and subsection (9) of section 1008.22, Florida Statutes, are amended, paragraph (f) is added to subsection (3) of that section, present subsection (10) of that section is redesignated as subsection (11), and a new subsection (10) is added to that section, to read:

1008.22 Student assessment program for public schools.--

(1) PURPOSE.--The primary purposes of the student assessment program are to provide information needed to improve the public schools by enhancing the learning gains of all students and to inform parents of the educational progress of their public school children. The program must be designed to:

(c) Identify the educational strengths and needs of students and the readiness of students to be promoted to the next grade level or to graduate from high school with a standard or special high school diploma.

(f) Provide information on the performance of Florida students compared with that of other students ~~others~~ across the United States.

(3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall design and implement a statewide program of educational assessment that provides information for the improvement of the operation and management of the public schools, including schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs. The commissioner may enter into contracts for the continued administration of the assessment, testing, and evaluation programs authorized and funded by the Legislature. Contracts may be initiated in 1 fiscal year and continue into the next and may be paid from the appropriations of either or both fiscal years. The commissioner is authorized to negotiate for the sale or lease of tests, scoring protocols, test scoring services, and related materials developed pursuant to law. Pursuant to the statewide assessment program, the commissioner shall:

(c) Develop and implement a student achievement testing program known as the Florida Comprehensive Assessment Test (FCAT) as part of the statewide assessment program~~, to be administered annually in grades 3 through 10~~ to measure reading, writing, science, and mathematics. Other content areas may be included as directed by the commissioner. The assessment of reading and mathematics shall be administered annually in grades 3 through 10. The assessment of writing and science shall be administered at least once at the elementary, middle, and high school levels. The commissioner must document the procedures used to ensure that the versions of the FCAT which are taken by students retaking the grade 10 FCAT are equally as challenging and difficult as the tests taken by students in grade 10 which contain performance tasks. The testing program must be designed so that:

1. The tests measure student skills and competencies adopted by the State Board of Education as specified in paragraph (a). The tests must measure and report student proficiency levels of all students assessed in reading, writing, mathematics, and science. The commissioner shall provide for the tests to be developed or obtained, as appropriate, through contracts and project agreements with private vendors, public vendors, public agencies, postsecondary educational institutions, or school districts. The commissioner shall obtain input with respect to the design and implementation of the testing program from state educators, assistive technology experts, and the public.

2. The testing program will include a combination of norm-referenced and criterion-referenced tests and include, to the extent determined by the commissioner, questions that require the student to produce information or perform tasks in such a way that the skills and competencies he or she uses can be measured.

3. Each testing program, whether at the elementary, middle, or high school level, includes a test of writing in which students are required to produce writings that are then scored by appropriate and timely methods.

4. A score is designated for each subject area tested, below which score a student's performance is deemed inadequate. The school districts shall provide appropriate remedial instruction to students who score below these levels.

5. Except as provided in s. 1003.428(8)(b) or s. 1003.43(11)(b), students must earn a passing score on the grade 10 assessment test described in this paragraph or attain concordant scores ~~on an alternate assessment~~ as described in subsection (9) in reading, writing, and mathematics to qualify for a standard ~~regular~~ high school diploma. The State Board of Education shall designate a passing score for each part of the grade 10 assessment test. In establishing passing scores, the state board shall consider any possible negative impact of the test on minority students. ~~All students who took the grade 10 FCAT during the 2000-2001 school year shall be required to earn the passing scores in reading and mathematics established by the State Board of Education for the March 2001 test administration. Such students who did not earn the established passing scores and must repeat the grade 10 FCAT are required to earn the passing scores established for the March 2001 test administration. All students who take the grade 10 FCAT for the first time in March 2002 shall be required to earn the passing scores in reading and mathematics established by the State Board of Education for the March 2002 test administration.~~ The State Board of Education shall adopt rules which specify the passing scores for the grade 10 FCAT. Any such rules, which have the effect of raising the required passing scores, shall only apply to students taking the grade 10 FCAT for the first time after such rules are adopted by the State Board of Education.

6. Participation in the testing program is mandatory for all students attending public school, including students served in Department of Juvenile Justice programs, except as otherwise prescribed by the commissioner. If a student does not participate in the statewide assessment, the district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation. ~~If modifications are made in the student's instruction to provide accommodations that would not be permitted on the statewide assessment tests, the district must notify the student's parent of the implications of such instructional modifications.~~ A parent must provide signed consent for a student to receive classroom instructional accommodations ~~modifications~~ that would not be available or permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such instructional accommodations. The State Board of Education shall adopt rules, based upon recommendations of the commissioner, for the provision of test accommodations ~~and modifications of procedures as necessary~~ for students in exceptional education programs and for students who have limited English proficiency. Accommodations that negate the validity of a statewide assessment are not allowable in the administration of the FCAT. However, instructional accommodations are allowable in the classroom if included in a student's individual education plan. Students using instructional accommodations in the classroom that are not allowable as accommodations on the FCAT may have the FCAT requirement waived pursuant to the requirements of s. 1003.428(8)(b) or s. 1003.43(11)(b).

7. A student seeking an adult high school diploma must meet the same testing requirements that a regular high school student must meet.

8. District school boards must provide instruction to prepare students to demonstrate proficiency in the skills and competencies necessary for successful grade-to-grade progression and high school graduation. If a student is provided with instructional accommodations in the classroom ~~or modifications~~ that are not allowable as accommodations in the statewide assessment program, as described in the test manuals, the district must inform the parent in writing and must provide the parent with information regarding the impact on the student's ability to meet expected proficiency levels in reading, writing, and math. The commissioner shall conduct studies as necessary to verify that the required skills and competencies are part of the district instructional programs.

9. District school boards must provide opportunities for students to demonstrate an acceptable level of performance on an alternative

standardized assessment approved by the State Board of Education following enrollment in summer academies.

10.~~9.~~ The Department of Education must develop, or select, and implement a common battery of assessment tools that will be used in all juvenile justice programs in the state. These tools must accurately measure the skills and competencies established in the ~~Florida~~ Sunshine State Standards.

11. For students seeking a special diploma pursuant to s. 1003.438, the Department of Education must develop or select and implement an alternate assessment tool that accurately measures the skills and competencies established in the Sunshine State Standards for students with disabilities under s. 1003.438.

The commissioner may, based on collaboration and input from school districts, design and implement student testing programs, for any grade level and subject area, necessary to effectively monitor educational achievement in the state, including the measurement of educational achievement of the Sunshine State Standards for students with disabilities. Development and refinement of assessments shall include universal design principles and accessibility standards that will prevent any unintended obstacles for students with disabilities while ensuring the validity and reliability of the test. These principles should be applicable to all technology platforms and assistive devices available for the assessments. The field testing process and psychometric analyses for the statewide assessment program must include an appropriate percentage of students with disabilities and an evaluation or determination of the effect of test items on such students.

(e) Conduct ongoing research and analysis of student achievement data, including, without limitation, monitoring trends in student achievement by grade level and overall student achievement, identifying school programs that are successful, and analyzing correlates of school achievement.

(f) Study the cost and student achievement impact of secondary end-of-course assessments, including web-based and performance formats, and report to the Legislature prior to implementation.

(9) CONCORDANT SCORES FOR THE FCAT ~~EQUIVALENCIES FOR STANDARDIZED TESTS~~.--

(a) The State Board of Education shall analyze the content and concordant data sets for widely used high school achievement tests, including, but not limited to, the PSAT, PLAN, SAT, ACT, and College Placement Test, to assess if concordant scores for FCAT scores can be determined for high school graduation, college placement, and scholarship awards. In cases where content alignment and concordant scores can be determined, the Commissioner of Education shall adopt those scores as meeting the graduation requirement in lieu of achieving the FCAT passing score and may adopt those scores as being sufficient to achieve additional purposes as determined by rule. Each time that test content or scoring procedures are changed for the FCAT or one of the identified tests, new concordant scores must be determined. ~~The Commissioner of Education shall approve the use of the SAT and ACT tests as alternative assessments to the grade 10 FCAT for the 2003-2004 school year.~~

(b) In order to use a concordant subject area score pursuant to this subsection to ~~Students who attain scores on the SAT or ACT which equate to the passing scores on the grade 10 FCAT for purposes of high school graduation shall~~ satisfy the assessment requirement for a standard high school diploma as provided in s. 1003.429(6)(a), ~~or~~ s. 1003.43(5)(a), or s. 1003.428, ~~for the 2003-2004 school year if the students meet the requirement in paragraph (b).~~

~~(b)~~ a student must ~~shall be required to~~ take each subject area of the grade 10 FCAT a total of three times without earning a passing score ~~in order to use the scores on an alternative assessment pursuant to paragraph (a)~~. The requirements of this paragraph ~~This requirement~~ shall not apply to a new student who enters the Florida ~~is a new student to the~~ public school system in grade 12, who may either achieve a passing score on the FCAT or use an approved subject area concordant score to fulfill the graduation requirement.

(c) The State Board of Education may define by rule the allowable uses, other than to satisfy the high school graduation requirement, for concordant scores as described in this subsection. Such uses may include, but need not be limited to, achieving appropriate standardized test scores required for the awarding of Florida Bright Futures Scholarships and college placement.

(10) REPORTS.--The Department of Education shall annually provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the following:

(a) Longitudinal performance of students in mathematics and reading.

(b) Longitudinal performance of students by grade level in mathematics and reading.

(c) Longitudinal performance regarding efforts to close the achievement gap.

(d) Longitudinal performance of students on the norm-referenced component of the FCAT.

(e) Other student performance data based on national norm- referenced and criterion-referenced tests, when available, and numbers of students who after 8th grade enroll in adult education rather than other secondary education.

Section 41. Section 1008.221, Florida Statutes, is repealed.

Section 42. Paragraphs (a), (b), and (c) of subsection (4), paragraphs (b) and (c) of subsection (6), paragraph (b) of subsection (7), and paragraph (b) of subsection (8) of section 1008.25, Florida Statutes, are amended, and paragraph (c) is added to subsection (8) of that section, to read:

1008.25 Public school student progression; remedial instruction; reporting requirements.--

(4) ASSESSMENT AND REMEDIATION.--

(a) Each student must participate in the statewide assessment tests required by s. 1008.22. Each student who does not meet specific levels of performance as determined by the district school board in reading, writing, science, and mathematics for each grade level, or who scores below Level 3 in reading or math ~~does not meet specific levels of performance as determined by the commissioner on statewide assessments at selected grade levels~~, must be provided with additional diagnostic assessments to determine the nature of the student's difficulty, the ~~and~~ areas of academic need, and strategies for appropriate intervention and instruction as described in paragraph (b).

(b) The school in which the student is enrolled must develop, in consultation with the student's parent, and must implement a progress monitoring plan. A progress monitoring plan is intended to provide the school district and the school flexibility in meeting the academic needs of the student and to reduce paperwork. A student who is not meeting the school district or state requirements for proficiency in reading and math shall be covered by one of the following plans to target instruction and identify ways to improve his or her academic achievement:

1. A federally required student plan such as an individual education plan;
2. A schoolwide system of progress monitoring for all students; or
3. An individualized progress monitoring plan.

The plan chosen must be ~~an academic improvement plan~~ designed to assist the student or the school in meeting state and district expectations for proficiency. ~~For a student for whom a personalized middle school success plan is required pursuant to s. 1003.415, the middle school success plan must be incorporated in the student's academic improvement plan. Beginning with the 2002-2003 school year,~~ If the student has been identified as having a deficiency in reading, ~~the academic improvement plan shall identify the student's specific areas of deficiency in phonemic awareness, phonics, fluency, comprehension, and vocabulary; the desired levels of performance in these areas; and~~ the K-12 comprehensive reading plan required by s. 1011.62(8) shall include instructional and support services to be provided to meet the desired levels of performance. District school boards may require low-performing students to attend remediation programs held before or after regular school hours or during the summer if transportation is provided. ~~Schools shall also provide for the frequent monitoring of the student's progress in meeting the desired levels of performance. District school boards shall assist schools and teachers to implement research-based reading activities that have been shown to be successful in teaching reading to low-performing students. Remedial instruction provided during high school may not be in lieu of English and mathematics credits required for graduation.~~

(c) Upon subsequent evaluation, if the documented deficiency has not been remediated ~~in accordance with the academic improvement plan~~, the student may be retained. Each student who does not meet the minimum

performance expectations defined by the Commissioner of Education for the statewide assessment tests in reading, writing, science, and mathematics must continue to be provided with remedial or supplemental instruction until the expectations are met or the student graduates from high school or is not subject to compulsory school attendance.

(6) ELIMINATION OF SOCIAL PROMOTION.--

(b) The district school board may only exempt students from mandatory retention, as provided in paragraph (5)(b), for good cause. Good cause exemptions shall be limited to the following:

1. Limited English proficient students who have had less than 2 years of instruction in an English for Speakers of Other Languages program.

2. Students with disabilities whose individual education plan indicates that participation in the statewide assessment program is not appropriate, consistent with the requirements of State Board of Education rule.

3. Students who demonstrate an acceptable level of performance on an alternative standardized reading assessment approved by the State Board of Education.

4. Students who demonstrate, through a student portfolio, that the student is reading on grade level as evidenced by demonstration of mastery of the Sunshine State Standards in reading equal to at least a Level 2 performance on the FCAT.

5. Students with disabilities who participate in the FCAT and who have an individual education plan or a Section 504 plan that reflects that the student has received ~~the~~ intensive remediation in reading~~, as required by paragraph (4)(b),~~ for more than 2 years but still demonstrates a deficiency in reading and was previously retained in kindergarten, grade 1, grade 2, or grade 3.

6. Students who have received ~~the~~ intensive remediation in reading ~~as required by paragraph (4)(b)~~ for 2 or more years but still demonstrate a deficiency in reading and who were previously retained in kindergarten, grade 1, grade 2, or grade 3 for a total of 2 years. Intensive reading instruction for students so promoted must include an altered instructional day ~~based upon an academic improvement plan~~ that includes specialized diagnostic information and specific reading strategies for each student. The district school board shall assist schools and teachers to implement reading strategies that research has shown to be successful in improving reading among low-performing readers.

(c) Requests for good cause exemptions for students from the mandatory retention requirement as described in subparagraphs (b)3. and 4. shall be made consistent with the following:

1. Documentation shall be submitted from the student's teacher to the school principal that indicates that the promotion of the student is appropriate and is based upon the student's academic record. In order to minimize paperwork requirements, such documentation shall consist only of the existing progress monitoring ~~academic improvement~~ plan, individual educational plan, if applicable, report card, or student portfolio.

2. The school principal shall review and discuss such recommendation with the teacher and make the determination as to whether the student should be promoted or retained. If the school principal determines that the student should be promoted, the school principal shall make such recommendation in writing to the district school superintendent. The district school superintendent shall accept or reject the school principal's recommendation in writing.

(7) SUCCESSFUL PROGRESSION FOR RETAINED READERS.--

(b) Beginning with the 2004-2005 school year, each school district shall:

1. Conduct a review of student progress monitoring ~~academic improvement~~ plans for all students who did not score above Level 1 on the reading portion of the FCAT and did not meet the criteria for one of the good cause exemptions in paragraph (6)(b). The review shall address additional supports and services, as described in this subsection, needed to remediate the identified areas of reading deficiency. The school district shall require a student portfolio to be completed for each such student.

2. Provide students who are retained under the provisions of paragraph (5)(b) with intensive instructional services and supports to remediate the identified areas of reading deficiency, including a minimum of 90 minutes of daily, uninterrupted, scientifically research-based reading instruction and other strategies prescribed by the school district, which may include, but are not limited to:

a. Small group instruction.

b. Reduced teacher-student ratios.

c. More frequent progress monitoring.

d. Tutoring or mentoring.

e. Transition classes containing 3rd and 4th grade students.

f. Extended school day, week, or year.

g. Summer reading camps.

3. Provide written notification to the parent of any student who is retained under the provisions of paragraph (5)(b) that his or her child has not met the proficiency level required for promotion and the reasons the child is not eligible for a good cause exemption as provided in paragraph (6)(b). The notification must comply with the provisions of s. 1002.20(14) and must include a description of proposed interventions and supports that will be provided to the child to remediate the identified areas of reading deficiency.

4. Implement a policy for the midyear promotion of any student retained under the provisions of paragraph (5)(b) who can demonstrate that he or she is a successful and independent reader, reading at or above grade level, and ready to be promoted to grade 4. Tools that school districts may use in reevaluating any student retained may include subsequent assessments, alternative assessments, and portfolio reviews, in accordance with rules of the State Board of Education. Students promoted during the school year after November 1 must demonstrate proficiency above that required to score at Level 2 on the grade 3 FCAT, as determined by the State Board of Education. The State Board of Education shall adopt standards that provide a reasonable expectation that the student's progress is sufficient to master appropriate 4th grade level reading skills.

5. Provide students who are retained under the provisions of paragraph (5)(b) with a high-performing teacher as determined by student performance data and above-satisfactory performance appraisals.

6. In addition to required reading enhancement and acceleration strategies, provide parents of students to be retained with at least one of the following instructional options:

a. Supplemental tutoring in scientifically research-based reading services in addition to the regular reading block, including tutoring before and/or after school.

b. A "Read at Home" plan outlined in a parental contract, including participation in "Families Building Better Readers Workshops" and regular parent-guided home reading.

c. A mentor or tutor with specialized reading training.

7. Establish a Reading Enhancement and Acceleration Development (READ) Initiative. The focus of the READ Initiative shall be to prevent the retention of grade 3 students and to offer intensive accelerated reading instruction to grade 3 students who failed to meet standards for promotion to grade 4 and to each K-3 student who is assessed as exhibiting a reading deficiency. The READ Initiative shall:

a. Be provided to all K-3 students at risk of retention as identified by the statewide assessment system used in Reading First schools. The assessment must measure phonemic awareness, phonics, fluency, vocabulary, and comprehension.

b. Be provided during regular school hours in addition to the regular reading instruction.

c. Provide a state-identified reading curriculum that has been reviewed by the Florida Center for Reading Research at Florida State University and meets, at a minimum, the following specifications:

(I) Assists students assessed as exhibiting a reading deficiency in developing the ability to read at grade level.

(II) Provides skill development in phonemic awareness, phonics, fluency, vocabulary, and comprehension.

(III) Provides scientifically based and reliable assessment.

(IV) Provides initial and ongoing analysis of each student's reading progress.

(V) Is implemented during regular school hours.

(VI) Provides a curriculum in core academic subjects to assist the student in maintaining or meeting proficiency levels for the appropriate grade in all academic subjects.

8. Establish at each school, where applicable, an Intensive Acceleration Class for retained grade 3 students who subsequently score at Level 1 on the reading portion of the FCAT. The focus of the Intensive Acceleration Class

shall be to increase a child's reading level at least two grade levels in 1 school year. The Intensive Acceleration Class shall:

a. Be provided to any student in grade 3 who scores at Level 1 on the reading portion of the FCAT and who was retained in grade 3 the prior year because of scoring at Level 1 on the reading portion of the FCAT.

b. Have a reduced teacher-student ratio.

c. Provide uninterrupted reading instruction for the majority of student contact time each day and incorporate opportunities to master the grade 4 Sunshine State Standards in other core subject areas.

d. Use a reading program that is scientifically research-based and has proven results in accelerating student reading achievement within the same school year.

e. Provide intensive language and vocabulary instruction using a scientifically research-based program, including use of a speech-language therapist.

f. Include weekly progress monitoring measures to ensure progress is being made.

g. Report to the Department of Education, in the manner described by the department, the progress of students in the class at the end of the first semester.

9. Report to the State Board of Education, as requested, on the specific intensive reading interventions and supports implemented at the school district level. The Commissioner of Education shall annually prescribe the required components of requested reports.

10. Provide a student who has been retained in grade 3 and has received intensive instructional services but is still not ready for grade promotion, as determined by the school district, the option of being placed in a transitional instructional setting. Such setting shall specifically be designed to produce learning gains sufficient to meet grade 4 performance standards while continuing to remediate the areas of reading deficiency.

(8) ANNUAL REPORT.--

(b) ~~Beginning with the 2001-2002 school year,~~ Each district school board must annually publish in the local newspaper, and report in writing to the State Board of Education by September 1 of each year, the following information on the prior school year:

1. The provisions of this section relating to public school student progression and the district school board's policies and procedures on student retention and promotion.

2. By grade, the number and percentage of all students in grades 3 through 10 performing at Levels 1 and 2 on the reading portion of the FCAT.

3. By grade, the number and percentage of all students retained in grades 3 through 10.

4. Information on the total number of students who were promoted for good cause, by each category of good cause as specified in paragraph (6)(b).

5. Any revisions to the district school board's policy on student retention and promotion from the prior year.

(c) The Department of Education shall establish a uniform format for school districts to report the information required in paragraph (b). The format shall be developed with input from district school boards and shall be provided not later than 90 days prior to the annual due date. The department shall annually compile the information required in subparagraphs (b)2., 3., and 4., along with state-level summary information, and report such information to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 43. Section 1008.301, Florida Statutes, is repealed.

Section 44. Paragraphs (d) and (e) of subsection (1), paragraphs (b) and (c) of subsection (2), and subsection (3) of section 1008.31, Florida Statutes, are amended, and subsection (4) is added to that section, to read:

1008.31 Florida's K-20 education performance accountability system; legislative intent; ~~performance-based funding;~~ mission, goals, and systemwide measures; data quality improvements.--

(1) LEGISLATIVE INTENT.--It is the intent of the Legislature that:

(d) The State Board of Education and the Board of Governors of the State University System recommend to the Legislature systemwide performance standards; the Legislature establish systemwide performance measures and standards; and the systemwide measures and standards provide Floridians with information on what the public is receiving in return for the funds it invests in education and how well the K-20 system educates its students.

(e)1. The State Board of Education establish performance measures and set performance standards for individual ~~components of the~~ public ~~education system, including individual~~ schools and community colleges ~~postsecondary educational institutions~~, with measures and standards based primarily on student achievement.

2. The Board of Governors of the State University System establish performance measures and set performance standards for individual state universities, including actual completion rates.

(2) MISSION, GOALS, AND SYSTEMWIDE MEASURES.--

(b) The process ~~State Board of Education shall adopt guiding principles~~ for establishing state and sector-specific standards and measures must be:

1. Focused on student success.

2. Addressable through policy and program changes.

3. Efficient and of high quality.

4. Measurable over time.

5. Simple to explain and display to the public.

6. Aligned with other measures and other sectors to support a coordinated K-20 education system.

(c) The Department ~~State Board~~ of Education shall maintain an accountability system that measures student progress toward the following goals:

1. Highest student achievement, as indicated by evidence of student learning gains at all levels ~~measured by: student FCAT performance and annual learning gains; the number and percentage of schools that improve at least one school performance grade designation or maintain a school performance grade designation of "A" pursuant to s. 1008.34; graduation or completion rates at all learning levels; and other measures identified in law or rule~~.

2. Seamless articulation and maximum access, as measured by evidence of progression, readiness, and access by targeted groups of students identified by the Commissioner of Education~~: the percentage of students who demonstrate readiness for the educational level they are entering, from kindergarten through postsecondary education and into the workforce; the number and percentage of students needing remediation; the percentage of Floridians who complete associate, baccalaureate, graduate, professional, and postgraduate degrees; the number and percentage of credits that articulate; the extent to which each set of exit-point requirements matches the next set of entrance-point requirements; the degree to which underserved populations access educational opportunity; the extent to which access is provided through innovative educational delivery strategies; and other measures identified in law or rule~~.

3. Skilled workforce and economic development, as measured by evidence of employment and earnings~~: the number and percentage of graduates employed in their areas of preparation; the percentage of Floridians with high school diplomas and postsecondary education credentials; the percentage of business and community members who find that Florida's graduates possess the skills they need; national rankings; and other measures identified in law or rule~~.

4. Quality efficient services, as measured by evidence of return on investment~~: cost per completer or graduate; average cost per noncompleter at each educational level; cost disparity across institutions offering the same degrees; the percentage of education customers at each educational level who are satisfied with the education provided; and other measures identified in law or rule~~.

5. Other goals as identified by law or rule.

(3) K-20 EDUCATION DATA QUALITY IMPROVEMENTS ~~SYSTEMWIDE DATA COLLECTION~~.--To provide data required to implement education performance accountability measures in state and federal law, the Commissioner of Education shall initiate and maintain strategies to improve data quality and timeliness. All data collected from state universities shall, as determined by the commissioner, be integrated into the K-20 data warehouse. The commissioner shall have unlimited access to such data solely for the purposes of conducting studies, reporting annual and longitudinal student outcomes, and improving college readiness and articulation. All public educational institutions shall provide data to the K-20 data warehouse in a format specified by the commissioner.

(a) School districts and public postsecondary educational institutions shall maintain information systems that will provide the State Board of Education, the Board of Governors of the State University System, and the Legislature with information and reports necessary to address the specifications of the accountability system. ~~The State Board of Education shall determine the standards for the required data.~~ The level of comprehensiveness and quality shall be no less than that which was available as of June 30, 2001.

(b) The Commissioner of Education shall determine the standards for the required data, monitor data quality, and measure improvements. The commissioner shall report annually to the State Board of Education, the Board of Governors of the State University System, the President of the Senate, and the Speaker of the House of Representatives data quality indicators and ratings for all school districts and public postsecondary educational institutions.

(c) Before establishing any new reporting or data collection requirements, the Commissioner of Education shall utilize existing data being collected to reduce duplication and minimize paperwork.

(4) RULES.--The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section relating to the K-20 data warehouse.

Section 45. Section 1008.33, Florida Statutes, is amended to read:

1008.33 Authority to enforce public school improvement.--It is the intent of the Legislature that all public schools be held accountable for students performing at acceptable levels. A system of school improvement and accountability that assesses student performance by school, identifies schools in which students are not making adequate progress toward state standards, institutes appropriate measures for enforcing improvement, and provides rewards and sanctions based on performance shall be the responsibility of the State Board of Education.

(1) Pursuant to Art. IX of the State Constitution prescribing the duty of the State Board of Education to supervise Florida's public school system and notwithstanding any other statutory provisions to the contrary, the State Board of Education shall intervene in the operation of a district school system when one or more schools in the school district have failed to make adequate progress for 2 school years in a 4-year period. For purposes of determining when a school is eligible for state board action and opportunity scholarships for its students, the terms "2 years in any 4-year period" and "2 years in a 4-year period" mean that in any year that a school has a grade of "F," the school is eligible for state board action and opportunity scholarships for its students if it also has had a grade of "F" in any of the previous 3 school years. The State Board of Education may determine that the school district or school has not taken steps sufficient for students in the school to be academically well served. Considering recommendations of the Commissioner of Education, the State Board of Education shall recommend action to a district school board intended to improve educational services to students in each school that is designated with a ~~as performance~~ grade of ~~category~~ "F." Recommendations for actions to be taken in the school district shall be made only after thorough consideration of the unique characteristics of a school, which shall include student mobility rates, the number and type of exceptional students enrolled in the school, and the availability of options for improved educational services. The state board shall adopt by rule steps to follow in this process. Such steps shall provide school districts sufficient time to improve student performance in schools and the opportunity to present evidence of assistance and interventions that the district school board has implemented.

(2) The State Board of Education may recommend one or more of the following actions to district school boards to enable students in schools designated with a ~~as performance~~ grade of ~~category~~ "F" to be academically well served by the public school system:

(a) Provide additional resources, change certain practices, and provide additional assistance if the state board determines the causes of inadequate progress to be related to school district policy or practice;

(b) Implement a plan that satisfactorily resolves the education equity problems in the school;

(c) Contract for the educational services of the school, or reorganize the school at the end of the school year under a new school principal who is authorized to hire new staff and implement a plan that addresses the causes of inadequate progress. A contract to administer an alternative school may not be entered into with a private entity which contract changes the character of the alternative school population as it existed when the alternative school was administered by the public school system. The term "character of the alternative school population" means the percentage of students having learning disabilities, physical disabilities, emotional disabilities, or developmental disabilities, as well as the percentage of students having discipline problems;

(d) Allow parents of students in the school to send their children to another district school of their choice; or

(e) Other action appropriate to improve the school's performance, including, if the school is a high school, requiring annual publication of the school's graduation rate calculated without GED tests for the past 3 years, disaggregated by student ethnicity.

(3) In recommending actions to district school boards, the State Board of Education shall specify the length of time available to implement the recommended action. The State Board of Education may adopt rules to further specify how it may respond in specific circumstances. No action taken by the State Board of Education shall relieve a school from state accountability requirements.

(4) The State Board of Education may require the Department of Education or Chief Financial Officer to withhold any transfer of state funds to the school district if, within the timeframe specified in state board action, the school district has failed to comply with the action ordered to improve the district's low-performing schools. Withholding the transfer of funds shall occur only after all other recommended actions for school improvement have failed to improve performance. The State Board of Education may impose the same penalty on any district school board that fails to develop and implement a plan for assistance and intervention for low-performing schools as specified in s. 1001.42(16)(d) ~~s. 1001.42(16)(c)~~.

Section 46. Section 1008.34, Florida Statutes, is amended to read:

1008.34 School grading system; school report cards; district ~~performance~~ grade.--

(1) ANNUAL REPORTS.--The Commissioner of Education shall prepare annual reports of the results of the statewide assessment program which describe student achievement in the state, each district, and each school. The commissioner shall prescribe the design and content of these reports, which must include, without limitation, descriptions of the performance of all schools participating in the assessment program and all of their major student populations as determined by the Commissioner of Education, and must also include the median scores of all eligible students who scored at or in the lowest 25th percentile of the state in the previous school year; provided, however, that the provisions of s. 1002.22 pertaining to student records apply to this section.

(2) SCHOOL GRADES ~~PERFORMANCE GRADE CATEGORIES~~.--The annual report shall identify schools as having one of the following grades, ~~being in one of the following grade categories~~ defined according to rules of the State Board of Education:

(a) "A," schools making excellent progress.
(b) "B," schools making above average progress.
(c) "C," schools making satisfactory progress.
(d) "D," schools making less than satisfactory progress.
(e) "F," schools failing to make adequate progress.

Each school designated with a ~~in performance~~ grade of ~~category~~ "A," making excellent progress, or having improved at least two ~~performance~~ grade levels ~~categories~~, shall have greater authority over the allocation of the school's total budget generated from the FEFP, state categoricals, lottery funds, grants, and local funds, as specified in state board rule. The rule must provide that the increased budget authority shall remain in effect until the school's ~~performance~~ grade declines.

(3) DESIGNATION OF SCHOOL GRADES ~~PERFORMANCE GRADE CATEGORIES~~.--Each school that has students who are tested and included in the school grading system, except an alternative school that receives a school-improvement rating pursuant to s. 1008.341, shall receive a school grade; however, an alternative school may choose to receive a school grade under this section in lieu of a school-improvement rating. Additionally, a school that serves any combination of students in kindergarten through grade 3 which does not receive a school grade because its students are not tested and

included in the school grading system shall receive the school grade designation of a K-3 feeder pattern school identified by the Department of Education and verified by the school district. A school feeder pattern exists if at least 60 percent of the students in the school serving a combination of students in kindergarten through grade 3 are scheduled to be assigned to the graded school. School grades ~~performance grade category designations~~ itemized in subsection (2) shall be based on the following:

(a) Criteria ~~Timeframes~~.--A school's grade shall be based on a combination of:

1. Student achievement scores, including achievement scores for students seeking a special diploma ~~School performance grade category designations shall be based on the school's current year performance and the school's annual learning gains~~.

2. ~~A school's performance grade category designation shall be based on a combination of student achievement scores,~~ Student learning gains as measured by annual FCAT assessments in grades 3 through 10; learning gains for students seeking a special diploma, as measured by an alternate assessment tool, shall be included not later than the 2009-2010 school year.~~; and~~

3. Improvement of the lowest 25th percentile of students in the school in reading, math, or writing on the FCAT, unless these students are exhibiting ~~performing above~~ satisfactory performance.

(b) Student assessment data.--Student assessment data used in determining school grades ~~performance grade categories~~ shall include:

1. The aggregate scores of all eligible students enrolled in the school who have been assessed on the FCAT.

2. The aggregate scores of all eligible students enrolled in the school who have been assessed on the FCAT, including Florida Writes, and who have scored at or in the lowest 25th percentile of students in the school in reading, math, or writing, unless these students are exhibiting ~~performing above~~ satisfactory performance.

3. Effective with the 2005-2006 school year, the achievement scores and learning gains of eligible students attending alternative schools that provide dropout-prevention and academic-intervention services pursuant to s. 1003.53. The term "eligible students" in this subparagraph does not include students attending an alternative school who are subject to district school board policies for expulsion for repeated or serious offenses, who are in dropout-retrieval programs serving students who have officially been designated as dropouts, or who are in programs operated or contracted by the Department of Juvenile Justice. The student performance data for eligible students identified in this subparagraph shall be included in the calculation of the home school's grade. For purposes of this section and s. 1008.341, "home school" means the school the student was attending when assigned to an alternative school. If an alternative school chooses to be graded pursuant to this section, student performance data for eligible students identified in this subparagraph shall not be included in the home school's grade but shall be included only in the calculation of the alternative school's grade. School districts must require collaboration between the home school and the alternative school in order to promote student success.

~~The Department of Education shall study the effects of mobility on the performance of highly mobile students and recommend programs to improve the performance of such students.~~ The State Board of Education shall adopt appropriate criteria for each school ~~performance~~ grade ~~category.~~ The criteria must also give added weight to student achievement in reading. Schools designated with a ~~as performance~~ grade of ~~category~~ "C," making satisfactory progress, shall be required to demonstrate that adequate progress has been made by students in the school who are in the lowest 25th percentile in reading, math, or writing on the FCAT, including Florida Writes, unless these students are exhibiting ~~performing above~~ satisfactory performance.

(4) SCHOOL IMPROVEMENT RATINGS.--The annual report shall identify each school's performance as having improved, remained the same, or declined. This school improvement rating shall be based on a comparison of the current year's and previous year's student and school performance data. Schools that improve at least one ~~performance~~ grade level ~~category~~ are eligible for school recognition awards pursuant to s. 1008.36.

(5) SCHOOL REPORT CARD ~~PERFORMANCE GRADE CATEGORY AND IMPROVEMENT RATING REPORTS~~.--The Department of Education shall annually develop, in collaboration with the school districts, a school report card to be delivered to parents throughout each school district. The report card shall include the school's grade, information regarding school improvement, an explanation of school performance as evaluated by the federal No Child Left Behind Act of 2001, and indicators of return on investment. ~~School performance grade category designations and improvement ratings shall apply to each school's performance for the year in which performance is measured.~~ Each school's report card ~~designation and rating~~ shall be published annually by the department on its website, ~~of Education~~ and the school district shall provide the school report card to each parent. ~~Parents shall be entitled to an easy-to-read report card about the designation and rating of the school in which their child is enrolled.~~

~~(6) RULES.--The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section.~~

(6)~~(7)~~ PERFORMANCE-BASED FUNDING.--The Legislature may factor in the performance of schools in calculating any performance-based funding policy that is provided for annually in the General Appropriations Act.

(7)~~(8)~~ DISTRICT ~~PERFORMANCE~~ GRADE.--The annual report required by subsection (1) shall include district ~~performance~~ grades, which shall consist of weighted district average grades, by level, for all elementary schools, middle schools, and high schools in the district. A district's weighted average grade shall be calculated by weighting individual school grades determined pursuant to subsection (2) by school enrollment.

Section 47. Section 1008.341, Florida Statutes, is created to read:

1008.341 School-improvement rating for alternative schools.--

(1) ANNUAL REPORTS.--The Commissioner of Education shall prepare an annual report on the performance of each school receiving a school-improvement rating pursuant to this section if the provisions of s. 1002.22 pertaining to student records apply.

(2) SCHOOL IMPROVEMENT RATING.--Alternative schools that provide dropout-prevention and academic-intervention services pursuant to s. 1003.53 shall receive a school-improvement rating pursuant to this section. The school-improvement rating shall identify schools as having one of the following ratings defined according to rules of the State Board of Education:

(a) "Improving" means schools with students making more academic progress than when the students were served in their home schools.

(b) "Maintaining" means schools with students making progress equivalent to the progress made when the students were served in their home schools.

(c) "Declining" means schools with students making less academic progress than when the students were served in their home schools.

The school-improvement rating shall be based on a comparison of student performance data for the current year and previous year. Schools that improve at least one level or maintain an "improving" rating pursuant to this section are eligible for school recognition awards pursuant to s. 1008.36.

(3) DESIGNATION OF SCHOOL-IMPROVEMENT RATING.--Student data used in determining an alternative school's school-improvement rating shall include:

(a) The aggregate scores of all eligible students who were assigned to and enrolled in the school during the October or February FTE count, who have been assessed on the FCAT, and who have FCAT or comparable scores for the preceding school year.

(b) The aggregate scores of all eligible students who were assigned to and enrolled in the school during the October or February FTE count, who have been assessed on the FCAT, including Florida Writes, and who have scored in the lowest 25th percentile of students in the state on FCAT Reading.

The assessment scores of students who are subject to district school board policies for expulsion for repeated or serious offenses, who are in dropout-retrieval programs serving students who have officially been designated as dropouts, or who are in programs operated or contracted by the Department of Juvenile Justice may not be included in an alternative school's school improvement rating.

(4) IDENTIFICATION OF STUDENT LEARNING GAINS.--For each alternative school receiving a school-improvement rating, the Department of Education shall annually identify the percentage of students making learning gains as compared to the percentage of the same students making learning gains in their home schools in the year prior to being assigned to the alternative school.

(5) SCHOOL REPORT CARD.--The Department of Education shall annually develop, in collaboration with the school districts, a school report card for alternative schools to be delivered to parents throughout each school district. The report card shall include the school-improvement rating, identification of student learning gains, student attendance data, information regarding school improvement, an explanation of school performance as evaluated by the federal No Child Left Behind Act of 2001, and indicators of return on investment.

Section 48. Subsection (5), paragraphs (b) and (d) of subsection (6), and subsection (7) of section 1008.345, Florida Statutes, are amended to read:

1008.345 Implementation of state system of school improvement and education accountability.--

(5) The commissioner shall report to the Legislature and recommend changes in state policy necessary to foster school improvement and education accountability. Included in the report shall be a list of the schools, including schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, for which district school boards have developed assistance and intervention plans and an analysis of the various strategies used by the school boards. School reports shall be distributed pursuant to this subsection and s. 1001.42(16)(f) ~~s. 1001.42(16)(c)~~ and according to rules adopted by the State Board of Education.

(6)

(b) Upon request, the department shall provide technical assistance and training to any school, including any school operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, school advisory council, district, or district school board for conducting needs assessments, developing and implementing school improvement plans, developing and implementing assistance and intervention plans, or implementing other components of school improvement and accountability. Priority for these services shall be given to schools designated with a ~~as performance~~ grade of ~~category~~ "D" or "F" and school districts in rural and sparsely populated areas of the state.

(d) The commissioner ~~department~~ shall assign a community assessment team to each school district or governing board with a school graded ~~designated as performance grade category "D" or~~ "F" to review the school performance data and determine causes for the low performance, including the role of school, area, and district administrative personnel. The community assessment team shall review a high school's graduation rate calculated without GED tests for the past 3 years, disaggregated by student ethnicity. The team shall make recommendations to the school board or the governing board, to the department, and to the State Board of Education for implementing an assistance and intervention plan that will address the causes of the school's low performance. The assessment team shall include, but not be limited to, a department representative, parents, business representatives, educators, representatives of local governments, and community activists, and shall represent the demographics of the community from which they are appointed.

(7)(a) Schools designated with a ~~in performance~~ grade of ~~category~~ "A," making excellent progress, shall, if requested by the school, be given deregulated status as specified in s. 1003.63(5), (7), (8), (9), and (10).

(b) Schools that have improved at least two grades ~~performance grade categories~~ and that meet the criteria of the Florida School Recognition Program pursuant to s. 1008.36 may be given deregulated status as specified in s. 1003.63(5), (7), (8), (9), and (10).

Section 49. Subsection (3) of section 1009.24, Florida Statutes, is amended to read:

1009.24 State university student fees.--

(3) Except as otherwise provided by law, undergraduate tuition shall be established annually in the General Appropriations Act. The Board of Governors, or the board's designee, may establish tuition for graduate and professional programs, and out-of-state fees for all programs. The sum of tuition and out-of-state fees assessed to nonresident students must be sufficient to offset the full instructional cost of serving such students. However, adjustments to out-of-state fees or tuition for graduate and professional programs pursuant to this section may not exceed 10 percent in any year. ~~Within proviso in the General Appropriations Act and law, each board of trustees shall set university tuition and fees.~~ The sum of the activity and service, health, and athletic fees a student is required to pay to register for a course shall not exceed 40 percent of the tuition established in law or in the General Appropriations Act. No university shall be required to lower any fee in effect on the effective date of this act in order to comply with this subsection. Within the 40 percent cap, universities may not increase the aggregate sum of activity and service, health, and athletic fees more than 5 percent per year unless specifically authorized in law or in the General Appropriations Act. A university may increase its athletic fee to defray the costs associated with changing National Collegiate Athletic Association divisions. Any such increase in the athletic fee may exceed both the 40 percent cap and the 5 percent cap imposed by this subsection. Any such increase must be approved by the athletic fee committee in the process outlined in subsection (11) and cannot exceed $2 per credit hour. Notwithstanding the provisions of ss. 1009.534, 1009.535, and 1009.536, that portion of any increase in an athletic fee pursuant to this subsection that causes the sum of the activity and service, health, and athletic fees to exceed the 40 percent cap or the annual increase in such fees to exceed the 5 percent cap shall not be included in calculating the amount a student receives for a Florida Academic Scholars award, a Florida Medallion Scholars award, or a Florida Gold Seal Vocational Scholars award. This subsection does not prohibit a university from increasing or assessing optional fees related to specific activities if payment of such fees is not required as a part of registration for courses.

Section 50. Paragraphs (f), (h), (l), (m), and (n) of subsection (1) and paragraphs (a) and (b) of subsection (4) of section 1011.62, Florida Statutes, are amended, present subsections (8) and (9) of that section are redesignated as subsections (9) and (10), respectively, and amended, and a new subsection (8) is added to that section, to read:

1011.62 Funds for operation of schools.--If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.--The following procedure shall be followed in determining the annual allocation to each district for operation:

(f) Supplemental academic instruction; categorical fund.--

1. There is created a categorical fund to provide supplemental academic instruction to students in kindergarten through grade 12. This paragraph may be cited as the "Supplemental Academic Instruction Categorical Fund."

2. Categorical funds for supplemental academic instruction shall be allocated annually to each school district in the amount provided in the General Appropriations Act. These funds shall be in addition to the funds appropriated on the basis of FTE student membership in the Florida Education Finance Program and shall be included in the total potential funds of each district. These funds shall be used to provide supplemental academic instruction to students enrolled in the K-12 program. Supplemental instruction strategies may include, but are not limited to: modified curriculum, reading instruction, after-school instruction, tutoring, mentoring, class size reduction, extended school year, intensive skills development in summer school, and other methods for improving student achievement. Supplemental instruction may be provided to a student in any manner and at any time during or beyond the regular 180-day term identified by the school as being the most effective and efficient way to best help that student progress from grade to grade and to graduate.

3. Effective with the 1999-2000 fiscal year, funding on the basis of FTE membership beyond the 180-day regular term shall be provided in the FEFP only for students enrolled in juvenile justice education programs or in education programs for juveniles placed in secure facilities or programs under s. 985.223. Funding for instruction beyond the regular 180-day school year for all other K-12 students shall be provided through the supplemental

academic instruction categorical fund and other state, federal, and local fund sources with ample flexibility for schools to provide supplemental instruction to assist students in progressing from grade to grade and graduating.

4. The Florida State University School, as a lab school, is authorized to expend from its FEFP or Lottery Enhancement Trust Fund allocation the cost to the student of remediation in reading, writing, or mathematics for any graduate who requires remediation at a postsecondary educational institution.

5. Beginning in the 1999-2000 school year, dropout prevention programs as defined in ss. 1003.52, 1003.53(1)(a), (b), and (c), and 1003.54 shall be included in group 1 programs under subparagraph (d)3.

(h) Small, isolated high schools.--Districts which levy the maximum nonvoted discretionary millage, exclusive of millage for capital outlay purposes levied pursuant to s. 1011.71(2), may calculate full-time equivalent students for small, isolated high schools by multiplying the number of unweighted full-time equivalent students times 2.75; provided the school has attained a ~~state accountability performance~~ grade ~~category~~ of "C" or better, pursuant to s. 1008.34, for the previous school year. For the purpose of this section, the term "small, isolated high school" means any high school which is located no less than 28 miles by the shortest route from another high school; which has been serving students primarily in basic studies provided by sub-subparagraphs (c)1.b. and c. and may include subparagraph (c)4.; and which has a membership of no more than 100 students, but no fewer than 28 students, in grades 9 through 12.

(l) Calculation of additional full-time equivalent membership based on international baccalaureate examination scores of students.--A value of 0.24 full-time equivalent student membership shall be calculated for each student enrolled in an international baccalaureate course who receives a score of 4 or higher on a subject examination. A value of 0.3 full-time equivalent student membership shall be calculated for each student who receives an international baccalaureate diploma. Such value shall be added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. The school district shall distribute to each classroom teacher who provided international baccalaureate instruction:

1. A bonus in the amount of $50 for each student taught by the International Baccalaureate teacher in each international baccalaureate course who receives a score of 4 or higher on the international baccalaureate examination.

2. An additional bonus of $500 to each International Baccalaureate teacher in a school designated with a ~~performance~~ grade of ~~category~~ "D" or "F" who has at least one student scoring 4 or higher on the international baccalaureate examination, regardless of the number of classes taught or of the number of students scoring a 4 or higher on the international baccalaureate examination.

Bonuses awarded to a teacher according to this paragraph shall not exceed $2,000 in any given school year and shall be in addition to any regular wage or other bonus the teacher received or is scheduled to receive.

(m) Calculation of additional full-time equivalent membership based on Advanced International Certificate of Education examination scores of students.--A value of 0.24 full-time equivalent student membership shall be calculated for each student enrolled in a full-credit Advanced International Certificate of Education course who receives a score of E or higher on a subject examination. A value of 0.12 full-time equivalent student membership shall be calculated for each student enrolled in a half-credit Advanced International Certificate of Education course who receives a score of E or higher on a subject examination. A value of 0.3 full-time equivalent student membership shall be calculated for each student who receives an Advanced International Certificate of Education diploma. Such value shall be added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. The school district shall distribute to each classroom teacher who provided Advanced International Certificate of Education instruction:

1. A bonus in the amount of $50 for each student taught by the Advanced International Certificate of Education teacher in each full-credit Advanced International Certificate of Education course who receives a score of E or higher on the Advanced International Certificate of Education examination. A bonus in the amount of $25 for each student taught by the Advanced International Certificate of Education teacher in each half-credit Advanced International Certificate of Education course who receives a score of E or higher on the Advanced International Certificate of Education examination.

2. An additional bonus of $500 to each Advanced International Certificate of Education teacher in a school designated with a ~~performance~~ grade of ~~category~~ "D" or "F" who has at least one student scoring E or higher on the full-credit Advanced International Certificate of Education examination, regardless of the number of classes taught or of the number of students scoring an E or higher on the full-credit Advanced International Certificate of Education examination.

3. Additional bonuses of $250 each to teachers of half-credit Advanced International Certificate of Education classes in a school designated with a ~~performance~~ grade of ~~category~~ "D" or "F" which has at least one student scoring an E or higher on the half-credit Advanced International Certificate of Education examination in that class. The maximum additional bonus for a teacher awarded in accordance with this subparagraph shall not exceed $500 in any given school year. Teachers receiving an award under subparagraph 2. are not eligible for a bonus under this subparagraph.

Bonuses awarded to a teacher according to this paragraph shall not exceed $2,000 in any given school year and shall be in addition to any regular wage or other bonus the teacher received or is scheduled to receive.

(n) Calculation of additional full-time equivalent membership based on college board advanced placement scores of students.--A value of 0.24 full-time equivalent student membership shall be calculated for each student in each advanced placement course who receives a score of 3 or higher on the College Board Advanced Placement Examination for the prior year and added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. Each district must allocate at least 80 percent of the funds provided to the district for advanced placement instruction, in accordance with this paragraph, to the high school that generates the funds. The school district shall distribute to each classroom teacher who provided advanced placement instruction:

1. A bonus in the amount of $50 for each student taught by the Advanced Placement teacher in each advanced placement course who receives a score of 3 or higher on the College Board Advanced Placement Examination.

2. An additional bonus of $500 to each Advanced Placement teacher in a school designated with a ~~performance~~ grade of ~~category~~ "D" or "F" who has at least one student scoring 3 or higher on the College Board Advanced Placement Examination, regardless of the number of classes taught or of the number of students scoring a 3 or higher on the College Board Advanced Placement Examination.

Bonuses awarded to a teacher according to this paragraph shall not exceed $2,000 in any given school year and shall be in addition to any regular wage or other bonus the teacher received or is scheduled to receive.

(4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.--The Legislature shall prescribe the aggregate required local effort for all school districts collectively as an item in the General Appropriations Act for each fiscal year. The amount that each district shall provide annually toward the cost of the Florida Education Finance Program for kindergarten through grade 12 programs shall be calculated as follows:

(a) Estimated taxable value calculations.--

1.a. Not later than 2 working days prior to July 19, the Department of Revenue shall certify to the Commissioner of Education its most recent estimate of the taxable value for school purposes in each school district and the total for all school districts in the state for the current calendar year based on the latest available data obtained from the local property appraisers. Not later than July 19, the Commissioner of Education shall compute a millage rate, rounded to the next highest one one-thousandth of a mill, which, when applied to 95 percent of the estimated state total taxable value for school purposes, would generate the prescribed aggregate required local effort for that year for all districts. The Commissioner of Education shall certify to each district school board the millage rate, computed as prescribed in this subparagraph, as the minimum millage rate necessary to provide the district required local effort for that year.

b. The General Appropriations Act shall direct the computation of the statewide adjusted aggregate amount for required local effort for all school

districts collectively from ad valorem taxes to ensure that no school district's revenue from required local effort millage will produce more than 90 percent of the district's total Florida Education Finance Program calculation, and the adjustment of the required local effort millage rate of each district that produces more than 90 percent of its total Florida Education Finance Program entitlement to a level that will produce only 90 percent of its total Florida Education Finance Program entitlement in the July calculation.

2. As revised data are received from property appraisers, the Department of Revenue shall amend the certification of the estimate of the taxable value for school purposes. The Commissioner of Education, in administering the provisions of paragraph (10)(b) ~~subparagraph (9)(a)2.~~ shall use the most recent taxable value for the appropriate year.

(b) Final calculation.--

1. The Department of Revenue shall, upon receipt of the official final assessed value of property from each of the property appraisers, certify to the Commissioner of Education the taxable value total for school purposes in each school district, subject to the provisions of paragraph (d). The commissioner shall use the official final taxable value for school purposes for each school district in the final calculation of the annual Florida Education Finance Program allocations.

2. For the purposes of this paragraph, the official final taxable value for school purposes shall be the taxable value for school purposes on which the tax bills are computed and mailed to the taxpayers, adjusted to reflect final administrative actions of value adjustment boards and judicial decisions pursuant to part I of chapter 194. By September 1 of each year, the Department of Revenue shall certify to the commissioner the official prior year final taxable value for school purposes. For each county that has not submitted a revised tax roll reflecting final value adjustment board actions and final judicial decisions, the Department of Revenue shall certify the most recent revision of the official taxable value for school purposes. The certified value shall be the final taxable value for school purposes, and no further adjustments shall be made, except those made pursuant to paragraph (10)(b). ~~subparagraph (9)(a)2.~~

(8) RESEARCH-BASED READING INSTRUCTION ALLOCATION.--

(a) The research-based reading instruction allocation is created to provide comprehensive reading instruction to students in kindergarten through grade 12.

(b) Funds for comprehensive, research-based reading instruction shall be allocated annually to each school district in the amount provided in the General Appropriations Act. Each eligible school district shall receive the same minimum amount as specified in the General Appropriations Act, and any remaining funds shall be distributed to eligible school districts based on each school district's proportionate share of K-12 base funding.

(c) Funds allocated under this subsection must be used to provide a system of comprehensive reading instruction to students enrolled in the K-12 programs, which may include the following:

1. The provision of highly qualified reading coaches.

2. Professional development for school district teachers in scientifically based reading instruction, including strategies to teach reading in content areas and with an emphasis on technical and informational text.

3. The provision of summer reading camps for students who score at Level 1 on FCAT Reading.

4. The provision of supplemental instructional materials that are grounded in scientifically based reading research.

5. The provision of intensive interventions for middle and high school students reading below grade level.

(d) Annually, by a date determined by the Department of Education but before May 1, school districts shall submit a K-12 comprehensive reading plan for the specific use of the research-based reading instruction allocation in the format prescribed by the department for review and approval by the Just Read, Florida! Office created pursuant to s. 1001.215. The plan annually submitted by school districts shall be deemed approved unless the department rejects the plan on or before June 1. If a school district and the Just Read, Florida! Office cannot reach agreement on the contents of the plan, the school district may appeal to the State Board of Education for resolution. School districts shall be allowed reasonable flexibility in designing their plans and shall be encouraged to offer reading remediation through innovative methods, including career academies. The plan format shall be developed with input from school district personnel, including teachers and principals, and shall allow courses in core, career, and alternative programs that deliver intensive reading remediation through integrated curricula, provided that the teacher is deemed highly qualified to teach reading or working toward that status. No later than July 1 annually, the department shall release the school district's allocation of appropriated funds to those districts having approved plans. A school district that spends 100 percent of this allocation on its approved plan shall be deemed to have been in compliance with the plan. The department may withhold funds upon a determination that reading instruction allocation funds are not being used to implement the approved plan.

(9)~~(8)~~ QUALITY ASSURANCE GUARANTEE.--The Legislature may annually in the General Appropriations Act determine a percentage increase in funds per K-12 unweighted FTE as a minimum guarantee to each school district. The guarantee shall be calculated from prior year base funding per unweighted FTE student which shall include the adjusted FTE dollars as provided in subsection (10) ~~(9)~~, quality guarantee funds, and actual nonvoted discretionary local effort from taxes. From the base funding per unweighted FTE, the increase shall be calculated for the current year. The current year funds from which the guarantee shall be determined shall include the adjusted FTE dollars as provided in subsection (10) ~~(9)~~ and potential nonvoted discretionary local effort from taxes. A comparison of current year funds per unweighted FTE to prior year funds per unweighted FTE shall be computed. For those school districts which have less than the legislatively assigned percentage increase, funds shall be provided to guarantee the assigned percentage increase in funds per unweighted FTE student. Should appropriated funds be less than the sum of this calculated amount for all districts, the commissioner shall prorate each district's allocation. This provision shall be implemented to the extent specifically funded.

(10)~~(9)~~ TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR CURRENT OPERATION.--The total annual state allocation to each district for current operation for the FEFP shall be distributed periodically in the manner prescribed in the General Appropriations Act.

(a) The basic amount for current operation for the FEFP as determined in subsection (1), multiplied by the district cost differential factor as determined in subsection (2), plus the amounts provided for categorical components within the FEFP, plus the amount for the sparsity supplement as determined in subsection (6), the decline in full-time equivalent students as determined in subsection (7), the research-based reading instruction allocation as determined in subsection (8), and the quality assurance guarantee as determined in subsection (9) ~~(8)~~, less the required local effort as determined in subsection (4). If the funds appropriated for the purpose of funding the total amount for current operation as provided in this paragraph are not sufficient to pay the state requirement in full, the department shall prorate the available state funds to each district in the following manner:

1. Determine the percentage of proration by dividing the sum of the total amount for current operation, as provided in this paragraph for all districts collectively, and the total district required local effort into the sum of the state funds available for current operation and the total district required local effort.

2. Multiply the percentage so determined by the sum of the total amount for current operation as provided in this paragraph and the required local effort for each individual district.

3. From the product of such multiplication, subtract the required local effort of each district; and the remainder shall be the amount of state funds allocated to the district for current operation.

(b) The amount thus obtained shall be the net annual allocation to each school district. However, if it is determined that any school district received an underallocation or overallocation for any prior year because of an arithmetical error, assessment roll change, full-time equivalent student membership error, or any allocation error revealed in an audit report, the allocation to that district shall be appropriately adjusted. Beginning with audits for the 2001-2002 fiscal year, if the adjustment is the result of an audit finding in which group 2 FTE are reclassified to the basic program and the district weighted FTE are over the weighted enrollment ceiling for group 2 programs, the adjustment shall not result in a gain of state funds to the district. If the Department of Education audit adjustment recommendation is

based upon controverted findings of fact, the Commissioner of Education is authorized to establish the amount of the adjustment based on the best interests of the state.

(c) The amount thus obtained shall represent the net annual state allocation to each district; however, notwithstanding any of the provisions herein, each district shall be guaranteed a minimum level of funding in the amount and manner prescribed in the General Appropriations Act.

Section 51. Paragraph (a) of subsection (2) of section 1011.64, Florida Statutes, is amended to read:

1011.64 School district minimum classroom expenditure requirements.--

(2) For the purpose of implementing the provisions of this section, the Legislature shall prescribe minimum academic performance standards and minimum classroom expenditure requirements for districts not meeting such minimum academic performance standards in the General Appropriations Act.

(a) Minimum academic performance standards may be based on, but are not limited to, district ~~performance~~ grades determined pursuant to s. 1008.34(7) ~~s. 1008.34(8)~~.

Section 52. Section 1011.67, Florida Statutes, is amended to read:

1011.67 Funds for instructional materials.--

(1) The department is authorized to allocate and distribute to each district an amount as prescribed annually by the Legislature for instructional materials for student membership in basic and special programs in grades K-12, which will provide for growth and maintenance needs. For purposes of this subsection ~~section~~, unweighted full-time equivalent students enrolled in the lab schools in state universities are to be included as school district students and reported as such to the department. These funds shall be distributed to school districts as follows: 50 percent on or about July 10; 35 percent on or about October 10; 10 percent on or about January 10; and 5 percent on or about June 10. The annual allocation shall be determined as follows:

(a)~~(1)~~ The growth allocation for each school district shall be calculated as follows:

1.~~(a)~~ Subtract from that district's projected full-time equivalent membership of students in basic and special programs in grades K-12 used in determining the initial allocation of the Florida Education Finance Program, the prior year's full-time equivalent membership of students in basic and special programs in grades K-12 for that district.

2.~~(b)~~ Multiply any such increase in full-time equivalent student membership by the allocation for a set of instructional materials, as determined by the department, or as provided for in the General Appropriations Act.

3.~~(c)~~ The amount thus determined shall be that district's initial allocation for growth for the school year. However, the department shall recompute and adjust the initial allocation based on actual full-time equivalent student membership data for that year.

(b)~~(2)~~ The maintenance of the instructional materials allocation for each school district shall be calculated by multiplying each district's prior year full-time equivalent membership of students in basic and special programs in grades K-12 by the allocation for maintenance of a set of instructional materials as provided for in the General Appropriations Act. The amount thus determined shall be that district's initial allocation for maintenance for the school year; however, the department shall recompute and adjust the initial allocation based on such actual full-time equivalent student membership data for that year.

(c)~~(3)~~ In the event the funds appropriated are not sufficient for the purpose of implementing this subsection ~~section~~ in full, the department shall prorate the funds available for instructional materials after first funding in full each district's growth allocation.

(2) Annually by July 1 and prior to the release of instructional materials funds, each district school superintendent shall certify to the Commissioner of Education that the district school board has approved a comprehensive staff development plan that supports fidelity of implementation of instructional materials programs. The report shall include verification that training was provided and that the materials are being implemented as designed.

Section 53. Paragraph (b) of subsection (2) of section 1011.685, Florida Statutes, is amended to read:

1011.685 Class size reduction; operating categorical fund.--

(2) Class size reduction operating categorical funds shall be used by school districts for the following:

(b) For any lawful operating expenditure, if the district has met the constitutional maximums identified in s. 1003.03(1) or the reduction of two students per year required by s. 1003.03(2); however, priority shall be given to increase salaries of classroom teachers as defined in s. 1012.01(2)(a) and to implement the differentiated-pay provisions detailed in s. 1012.22 ~~salary career ladder defined in s. 1012.231~~.

Section 54. Subsection (1) of section 1011.71, Florida Statutes, is amended to read:

1011.71 District school tax.--

(1) If the district school tax is not provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act, each district school board desiring to participate in the state allocation of funds for current operation as prescribed by s. 1011.62(10) ~~s. 1011.62(9)~~ shall levy on the taxable value for school purposes of the district, exclusive of millage voted under the provisions of s. 9(b) or s. 12, Art. VII of the State Constitution, a millage rate not to exceed the amount certified by the commissioner as the minimum millage rate necessary to provide the district required local effort for the current year, pursuant to s. 1011.62(4)(a)1. In addition to the required local effort millage levy, each district school board may levy a nonvoted current operating discretionary millage. The Legislature shall prescribe annually in the appropriations act the maximum amount of millage a district may levy. The millage rate prescribed shall exceed zero mills but shall not exceed the lesser of 1.6 mills or 25 percent of the millage which is required pursuant to s. 1011.62(4), exclusive of millage levied pursuant to subsection (2).

Section 55. Subsection (6) is added to section 1012.21, Florida Statutes, to read:

1012.21 Department of Education duties; K-12 personnel.--

(6) REPORTING.--The Department of Education shall annually post online links to each school district's collective bargaining contracts and the salary and benefits of the personnel or officers of any educator association which were paid by the school district pursuant to s. 1012.22. The department shall prescribe the computer format for district school boards to use in providing the information.

Section 56. Paragraphs (b), (c), (h), and (i) of subsection (1) of section 1012.22, Florida Statutes, are amended, and subsection (3) is added to that section, to read:

1012.22 Public school personnel; powers and duties of the district school board.--The district school board shall:

(1) Designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees as follows, subject to the requirements of this chapter:

(b) Time to act on nominations.--The district school board shall act not later than 3 weeks following the receipt of FCAT scores and data, including school grades, or June 30 ~~after the end of the regular legislative session or May 31~~, whichever is later, on the district school superintendent's nominations of supervisors, principals, and members of the instructional staff.

(c) Compensation and salary schedules.--

1. The district school board shall adopt a salary schedule or salary schedules designed to furnish incentives for improvement in training and for continued efficient service to be used as a basis for paying all school employees and fix and authorize the compensation of school employees on the basis thereof.

2. A district school board, in determining the salary schedule for instructional personnel, must base a portion of each employee's compensation on performance demonstrated under s. 1012.34, must consider the prior teaching experience of a person who has been designated state teacher of the year by any state in the United States, and must consider prior professional experience in the field of education gained in positions in addition to district level instructional and administrative positions.

3. In developing the salary schedule, the district school board shall seek input from parents, teachers, and representatives of the business community.

4. Beginning with the 2002-2003 fiscal year, each district school board must adopt a performance-pay policy for school administrators and

instructional personnel. The district's performance-pay policy is subject to negotiation as provided in chapter 447; however, the adopted salary schedule must allow school administrators and instructional personnel who demonstrate outstanding performance, as measured under s. 1012.34, to earn a 5-percent supplement in addition to their individual, negotiated salary. The supplements shall be funded from the performance-pay reserve funds adopted in the salary schedule. ~~Beginning with the 2004-2005 academic year, the district's 5-percent performance pay policy must provide for the evaluation of classroom teachers within each level of the salary career ladder provided in s. 1012.231.~~ The Commissioner of Education shall determine whether the district school board's adopted policy and salary schedule complies with the requirement for performance-based pay. If the district school board fails to comply with this section, the commissioner may ~~shall~~ withhold disbursements from the Educational Enhancement Trust Fund to the district and take any other measure provided by law necessary to ensure compliance until compliance is verified.

5. Beginning with the 2007-2008 academic year, each district school board shall adopt a salary schedule with differentiated pay for both instructional personnel and school-based administrators. The salary schedule is subject to negotiation as provided in chapter 447 and must allow differentiated pay based on district-determined factors, including, but not limited to, additional responsibilities, school demographics, critical shortage areas, and level of job performance difficulties.

(h) Planning and training time for teachers.--The district school board shall ~~may~~ adopt rules to make provisions for teachers to have time for lunch, professional ~~and some~~ planning, and professional development ~~training~~ time when they will not be directly responsible for the children if~~, provided that~~ some adult supervision is ~~shall be~~ furnished for the students during such periods.

(i) Comprehensive program of staff development.--The district school board shall establish a comprehensive program of staff development that incorporates school improvement plans pursuant to s. 1001.42 and is aligned with principal leadership training pursuant to s. 1012.985 as a part of the plan.

(3) Annually provide to the Department of Education the negotiated collective bargaining contract for the school district and the salary and benefits for the personnel or officers of any educator association which are paid by the school district. The district school board shall report using the computer format prescribed by the department pursuant to s. 1012.21.

Section 57. Section 1012.2315, Florida Statutes, is created to read:

1012.2315 Assignment of teachers.--

(1) LEGISLATIVE FINDINGS AND INTENT.--The Legislature finds disparities between teachers assigned to teach in a majority of "A" graded schools and teachers assigned to teach in a majority of "F" graded schools. The disparities can be found in the average years of experience, the median salary, and the performance of the teachers on teacher certification examinations. It is the intent of the Legislature that district school boards have flexibility through the collective bargaining process to assign teachers more equitably across the schools in the district.

(2) ASSIGNMENT TO SCHOOLS GRADED "D" OR "F."--School districts may not assign a higher percentage than the school district average of first-time teachers, temporarily certified teachers, teachers in need of improvement, or out-of-field teachers to schools with above the school district average of minority and economically disadvantaged students or schools that are graded "D" or "F." Each school district shall annually certify to the Commissioner of Education that this requirement has been met. If the commissioner determines that a school district is not in compliance with this subsection, the State Board of Education shall be notified and shall take action pursuant to s. 1008.32 in the next regularly scheduled meeting to require compliance.

(3) SALARY INCENTIVES.--District school boards are authorized to provide salary incentives to meet the requirement of subsection (2). A district school board may not sign a collective bargaining agreement that precludes the school district from providing sufficient incentives to meet this requirement.

(4) COLLECTIVE BARGAINING.--Notwithstanding provisions of chapter 447 relating to district school board collective bargaining, collective bargaining provisions may not preclude a school district from providing incentives to high-quality teachers and assigning such teachers to low-performing schools.

(5) REPORT.--Schools graded "D" or "F" shall annually report their teacher-retention rate. Included in this report shall be reasons listed for leaving by each teacher who left the school for any reason.

Section 58. Subsection (2) of section 1012.27, Florida Statutes, is amended to read:

1012.27 Public school personnel; powers and duties of district school superintendent.--The district school superintendent is responsible for directing the work of the personnel, subject to the requirements of this chapter, and in addition the district school superintendent shall perform the following:

(2) COMPENSATION AND SALARY SCHEDULES.--Prepare and recommend to the district school board for adoption a salary schedule or salary schedules. The district school superintendent must recommend a salary schedule for instructional personnel which bases a portion of each employee's compensation on performance demonstrated under s. 1012.34. In developing the recommended salary schedule, the district school superintendent shall include input from parents, teachers, and representatives of the business community. Beginning with the 2007-2008 ~~2004-2005~~ academic year, the recommended salary schedule for classroom teachers shall be consistent with the district's differentiated-pay policy ~~career ladder~~ based upon s. 1012.22 ~~s. 1012.231~~.

Section 59. Subsection (6) of section 1012.28, Florida Statutes, is amended to read:

1012.28 Public school personnel; duties of school principals.--

(6) A school principal who fails to comply with this section shall be ineligible for any portion of the performance pay policy incentive and differentiated pay under s. 1012.22 ~~s. 1012.22(1)(c)~~.

Section 60. Paragraph (a) of subsection (3) of section 1012.34, Florida Statutes, is amended to read:

1012.34 Assessment procedures and criteria.--

(3) The assessment procedure for instructional personnel and school administrators must be primarily based on the performance of students assigned to their classrooms or schools, as appropriate. Pursuant to this section, a school district's performance assessment is not limited to basing unsatisfactory performance of instructional personnel and school administrators upon student performance, but may include other criteria approved to assess instructional personnel and school administrators' performance, or any combination of student performance and other approved criteria. The procedures must comply with, but are not limited to, the following requirements:

(a) An assessment must be conducted for each employee at least once a year. The assessment must be based upon sound educational principles and contemporary research in effective educational practices. The assessment must primarily use data and indicators of improvement in student performance assessed annually as specified in s. 1008.22 and may consider results of peer reviews in evaluating the employee's performance. Student performance must be measured by state assessments required under s. 1008.22 and by local assessments for subjects and grade levels not measured by the state assessment program. The assessment criteria must include, but are not limited to, indicators that relate to the following:

1. Performance of students.

2. Ability to maintain appropriate discipline.

3. Knowledge of subject matter. The district school board shall make special provisions for evaluating teachers who are assigned to teach out-of-field.

4. Ability to plan and deliver instruction~~, including implementation of the rigorous reading requirement pursuant to s. 1003.415, when applicable,~~ and the use of technology in the classroom.

5. Ability to evaluate instructional needs.

6. Ability to establish and maintain a positive collaborative relationship with students' families to increase student achievement.

7. Other professional competencies, responsibilities, and requirements as established by rules of the State Board of Education and policies of the district school board.

Section 61. Subsection (4) of section 1012.56, Florida Statutes, is amended to read:

1012.56 Educator certification requirements.--

(4) MASTERY OF SUBJECT AREA KNOWLEDGE.--Acceptable means of demonstrating mastery of subject area knowledge are:

(a) Achievement of passing scores on subject area examinations required by state board rule;

(b) Completion of the subject area specialization requirements specified in state board rule and verification of the attainment of the essential subject matter competencies by the district school superintendent of the employing school district or chief administrative officer of the employing state-supported or private school for a subject area for which a subject area examination has not been developed and required by state board rule;

(c) Completion of the subject area specialization requirements specified in state board rule for a subject coverage requiring a master's or higher degree and achievement of a passing score on the subject area examination specified in state board rule;

(d) A valid professional standard teaching certificate issued by another state; or

(e) A valid certificate issued by the National Board for Professional Teaching Standards or a national educator credentialing board approved by the State Board of Education.

School districts are encouraged to provide mechanisms for those middle school teachers holding only a K-6 teaching certificate to obtain a subject area coverage for middle grades through postsecondary coursework or district add-on certification.

Section 62. Section 1012.98, Florida Statutes, is amended to read:

1012.98 School Community Professional Development Act.--

(1) The Department of Education, public postsecondary educational institutions, public school districts, public schools, state education foundations, consortia, and professional organizations ~~and public schools~~ in this state shall work collaboratively ~~collaborate~~ to establish a coordinated system of professional development. The purpose of the professional development system is to increase student achievement, enhance classroom instructional strategies that promote rigor and relevance throughout the curriculum, and prepare students for continuing education and the workforce. The system of professional development must align to the standards adopted by the state and support the framework for standards adopted by the National Staff Development Council ~~enable the school community to meet state and local student achievement standards and the state education goals and to succeed in school improvement as described in s. 1000.03~~.

(2) The school community includes students and parents, administrative personnel, managers, instructional personnel, support personnel, members of district school boards, members of school advisory councils, business partners, and personnel that provide health and social services to students.

(3) The activities designed to implement this section must:

(a) Support and increase the success of educators through collaboratively developed school improvement plans that focus on:

1. Enhanced and differentiated instructional strategies to engage students in rigorous and relevant curriculum based on ~~in guiding student learning and development so as to implement~~ state and local educational standards, goals, and initiatives;~~.~~

2. Increased opportunities to provide meaningful relationships between teachers and all students; and

3. Increased opportunities for professional collaboration among and between teachers, guidance counselors, instructional leaders, postsecondary educators engaged in preservice training for new teachers, and the workforce community.

(b) Assist the school community in providing stimulating, scientific ~~scientifically~~ research-based educational activities that encourage and motivate students to achieve at the highest levels and to participate as ~~become~~ active learners and that prepare students for success at subsequent educational levels and the workforce.

(c) Provide continuous support for all education professionals as well as temporary intervention for education professionals who need improvement in knowledge, skills, and performance.

(4) The Department of Education, school districts, schools, community colleges, and state universities share the responsibilities described in this section. These responsibilities include the following:

(a) The department shall ~~develop and~~ disseminate to the school community research-based ~~model~~ professional development methods and programs that have demonstrated success in meeting identified student needs. The Commissioner of Education shall use data on student achievement to identify student needs. The methods of dissemination must include a web-based statewide performance support system, including a database of exemplary professional development activities, a listing of available professional development resources, training programs, and available assistance.

(b) Each school district shall develop a professional development system as specified in subsection (3). The system shall be developed in consultation with teachers, teacher-educators ~~and representatives~~ of community colleges ~~college~~ and state universities ~~university faculty~~, business and community representatives ~~agencies~~, and local education foundations, consortia, and professional organizations ~~other interested citizen groups to establish policy and procedures to guide the operation of the district professional development program~~. The professional development system must:

1. Be approved by the department. All substantial revisions to the system shall be submitted to the department for review for continued approval.

2. Be based on analyses ~~Require the use~~ of student achievement data and instructional strategies and methods that support rigorous, relevant, and challenging curricula for all students. Schools and districts, in developing and refining the professional development system, shall also review and monitor~~;~~ school discipline data; school environment surveys; assessments of parental satisfaction; performance appraisal data of teachers, managers, and administrative personnel; and other performance indicators to identify school and student needs that can be met by improved professional performance.

3. Provide inservice activities coupled with followup support ~~that are~~ appropriate to accomplish district-level and school-level improvement goals and standards. The inservice activities for instructional personnel shall ~~primarily~~ focus on analysis of student achievement data, ongoing formal and informal assessments of student achievement, identification and use of enhanced and differentiated instructional strategies that emphasize rigor, relevance, and reading in the content areas, enhancement of subject content expertise, integrated use of classroom technology that enhances teaching and learning ~~and teaching methods, including technology, as related to the Sunshine State Standards, assessment and data analysis~~, classroom management, parent involvement, and school safety.

4. Include a master plan for inservice activities, pursuant to rules of the State Board of Education, for all district employees from all fund sources. The master plan shall be updated annually by September 1, must be based on input from teachers and district and school instructional leaders, and must use the latest available student achievement data and research to enhance rigor and relevance in the classroom. Each district inservice plan must be aligned to and support the school-based inservice plans and school improvement plans pursuant to s. 1001.42(16). District plans ~~using criteria for continued approval as specified by rules of the State Board of Education. Written verification that the inservice plan meets all requirements of this section~~ must be approved by the district school board ~~submitted~~ annually in order to ensure compliance with subsection (1) and to allow for dissemination of research-based best practices to other districts ~~to the commissioner by October 1~~. District school boards must submit verification of their approval to the Commissioner of Education no later than October 1, annually.

5. Require each school principal to establish and maintain an individual professional development plan for each instructional employee assigned to the school as a seamless component to the school improvement plans developed pursuant to 1001.42(16). The individual professional development plan must:

a. Be related to specific performance data for the students to whom the teacher is assigned.

b. Define the inservice objectives and specific measurable improvements expected in student performance as a result of the inservice activity.

c. Include an evaluation component that determines the effectiveness of the professional development plan.

6. Include inservice activities for school administrative personnel that address updated skills necessary for ~~effective school management and~~

instructional leadership and effective school management pursuant to s. 1012.986.

7. Provide for systematic consultation with regional and state personnel designated to provide technical assistance and evaluation of local professional development programs.

8. Provide for delivery of professional development by distance learning and other technology-based delivery systems to reach more educators at lower costs.

9. Provide for the continuous evaluation of the quality and effectiveness of professional development programs in order to eliminate ineffective programs and strategies and to expand effective ones. Evaluations must consider the impact of such activities on the performance of participating educators and their students' achievement and behavior.

~~(c) Each community college and state university shall assist the department, school districts, and schools in the design, delivery, and evaluation of professional development activities. This assistance must include active participation in state and local activities required by the professional development system.~~

(c)~~(d)~~ The Department of Education shall approve a public state university having an approved physical education teacher preparation program within its college of education to develop and implement an Internet-based clearinghouse for physical education professional development programs that may be accessed and used by all instructional personnel. The development of these programs shall be financed primarily by private funds and shall be available for use no later than August 1, 2005.

(5) Each district school board shall provide funding for the professional development system as required by s. 1011.62 and the General Appropriations Act, and shall direct expenditures from other funding sources to continuously strengthen the system in order to increase student achievement and support instructional staff in enhancing rigor and relevance in the classroom ~~and make it uniform and coherent~~. A school district may coordinate its professional development program with that of another district, with an educational consortium, or with a community college or university, especially in preparing and educating personnel. Each district school board shall make available inservice activities to instructional personnel of nonpublic schools in the district and the state certified teachers who are not employed by the district school board on a fee basis not to exceed the cost of the activity per all participants.

(6) An organization of private schools which has no fewer than 10 member schools in this state, which publishes and files with the Department of Education copies of its standards, and the member schools of which comply with the provisions of part II of chapter 1003, relating to compulsory school attendance, may also develop a professional development system that includes a master plan for inservice activities. The system and inservice plan must be submitted to the commissioner for approval pursuant to rules of the State Board of Education.

(7) The Department of Education shall disseminate, using web-based technology, research-based best-practice ~~design~~ methods by which the state and district school boards may evaluate and improve the professional development system. The best practices ~~evaluation~~ must include ~~an annual assessment of~~ data that indicate the progress ~~or lack of progress~~ of all students. ~~If the review of the data indicates progress, the department shall identify the best practices that contributed to the progress. If the review of the data indicates a lack of progress, the department shall investigate the causes of the lack of progress, provide technical assistance, and require the school district to employ a different approach to professional development.~~ The department shall report annually to the State Board of Education and the Legislature any school district that, in the determination of the department, has failed to provide an adequate professional development system. This report must include the results of the department's investigation and of any intervention provided.

(8) The State Board of Education may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section.

(9) This section does not limit or discourage a district school board from contracting with independent entities for professional development services and inservice education if the district school board can demonstrate to the Commissioner of Education that, through such a contract, a better product can be acquired or its goals for education improvement can be better met.

(10) For teachers, managers, and administrative personnel who have been evaluated as less than satisfactory, a district school board shall require participation in specific professional development programs as part of the improvement prescription.

(11) The department shall disseminate to the school community proven model professional development programs that have demonstrated success in increasing rigorous and relevant content, increasing student achievement and engagement, and meeting identified student needs. The methods of dissemination must include a web-based statewide performance-support system including a database of exemplary professional development activities, a listing of available professional development resources, training programs, and available technical assistance.

Section 63. Section 1012.986, Florida Statutes, is created to read:

1012.986 William Cecil Golden Professional Development Program for School Leaders.--

(1) There is established the William Cecil Golden Professional Development Program for school leaders to provide high standards and sustained support for principals as instructional leaders. The program shall consist of a collaborative network of state and national professional leadership organizations to respond to instructional leadership needs throughout the state. The network shall support the human-resource development needs of principals, principal leadership teams, and candidates for principal leadership positions using the framework of leadership standards adopted by the State Board of Education, the Southern Regional Education Board, and the National Staff Development Council. The goal of the network leadership program is to:

(a) Provide resources to support and enhance the principal's role as the instructional leader.

(b) Maintain a clearinghouse and disseminate data-supported information related to enhanced student achievement, based on educational research and best practices.

(c) Build the capacity to increase the quality of programs for preservice education for aspiring principals and inservice professional development for principals and principal leadership teams.

(d) Support best teaching and research-based instructional practices through dissemination and modeling at the preservice and inservice levels for both teachers and principals.

(2) The Department of Education shall coordinate through the network identified in subsection (1) to offer the program through multiple delivery systems, including:

(a) Approved school district training programs.

(b) Interactive technology-based instruction.

(c) Regional consortium service organizations pursuant to s. 1001.451.

(d) State, regional, or local leadership academies.

(3) The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section.

Section 64. Section 1012.987, Florida Statutes, is repealed.

Section 65. This act shall take effect upon becoming a law.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete everything before the enacting clause

and insert:

A bill to be entitled

An act relating to education; amending s. 20.15, F.S.; establishing the Division of Accountability, Research, and Measurement in the Department of Education; amending s. 411.227, F.S.; conforming provisions relating to student progress monitoring plans; repealing s. 446.609, F.S., relating to the "Jobs for Florida's Graduates Act"; amending s. 1000.03, F.S.; specifying that the mission of the state's K-20 education system is to provide rigorous and relevant learning opportunities for students; repealing s. 1000.041, F.S., to conform provisions relating to the 2005 repeal of the BEST Florida Teaching salary career ladder program; amending s. 1001.03, F.S.; requiring periodic

review of Sunshine State Standards subject areas and an annual status report; requiring rules for certain teachers to earn a reading credential equivalent; requiring the maintenance of a uniform school district personnel classification system; amending s. 1001.10, F.S.; specifying that the Commissioner of Education is the sole custodian of the K-20 data warehouse; requiring the Commissioner of Education to submit the proposed plan for the reauthorization of the No Child Left Behind Act to the Legislature before it is submitted to federal agencies; requiring legislative leaders to appoint members of a select legislative committee to review the proposed plan; creating s. 1001.215, F.S.; creating the Just Read, Florida! Office in the Department of Education; providing duties; amending s. 1001.33, F.S.; conforming provisions relating to the 2005 repeal of the BEST Florida Teaching salary career ladder program; amending s. 1001.41, F.S.; requiring district school boards to adopt standards and policies to provide to each student a complete education program; amending s. 1001.42, F.S., relating to requirements of district plans for school improvement; providing requirements for district school boards in developing the plans; providing that the opening date for the school year may not be earlier than a specified date; requiring each district school board to appoint a classroom teacher to serve as the teacher representative to speak on behalf of the district's teachers regarding paperwork and data collection reduction; requiring the teacher designee to report his or her findings and potential solutions to the school board; requiring each school board to submit its findings and potential solutions to the State Board of Education by a specified date; requiring the State Board of Education to prepare a report of the statewide paperwork and data collection findings and potential solutions and submit the report to the Governor and the Legislature; repealing s. 1001.51(24), F.S., and amending s. 1001.54, F.S.; conforming provisions relating to the 2005 repeal of the BEST Florida Teaching salary career ladder program; requiring each secondary school principal to implement a school redesign component; amending s. 1002.20, F.S.; conforming provisions relating to student progress monitoring plans; amending s. 1003.01, F.S.; revising the definition of the terms "special education services" and "career education"; amending s. 1003.03, F.S.; requiring that each teacher assigned to any classroom be included in the calculation for compliance with constitutional class-size limits; providing criteria for teaching strategies that involve assigning more than one teacher to a classroom; providing for retroactive application; prohibiting the imposition of penalties for the use of any legal strategy relating to the implementation of class-size reduction; amending s. 1003.05, F.S.; deleting the requirement that certain children receive preference for admission to special academic programs; revising programs defined as "special academic programs" for purposes of such preference; amending s. 1003.21, F.S.; requiring student exit interviews prior to terminating school enrollment; creating s. 1003.413, F.S., relating to secondary school redesign; providing intent and guiding principles; requiring district school boards to establish policies to implement requirements for middle grades promotion, revised requirements for high school graduation, and requirements for career and professional academies; directing the Commissioner of Education to create and implement the Secondary School Improvement Award Program; repealing s. 1003.415, F.S., the Middle Grades Reform Act; creating s. 1003.4156, F.S.; providing general course requirements for middle grades promotion; requiring intensive reading and remediation mathematics courses in certain circumstances; authorizing rulemaking and enforcement; amending s. 1003.42, F.S., relating to required instruction; revising the requirements for studying U.S. history and free enterprise; creating s. 1003.428, F.S.; providing revised requirements for high school graduation; specifying the required courses; requiring that certain courses be based on the student's performance on the FCAT; requiring that district school boards establish policies for implementing secondary school reform; requiring the Department of Education to increase the number of courses that are available to school districts; requiring strategies for exceptional students to meet graduation requirements; requiring standards for graduation; requiring rules for test accommodations and modifications in certain cases; providing requirements for standard diplomas and certificates of completion with exceptions; authorizing rulemaking and enforcement; amending s. 1003.429, F.S.; revising requirements applicable to selecting an option for accelerated high school graduation; revising required courses for the 3-year standard college preparatory program; revising requirements for grades that must be earned to participate in the accelerated program; providing for default to the standard graduation requirements in certain circumstances; amending s. 1003.437, F.S.; including middle grades in the uniform grading system; amending s. 1003.491, F.S.; including within career education personal and career plans; creating s. 1003.493, F.S.; defining the term "career and professional academy"; providing academy goals and duties; providing types of career and professional academies; providing for the approval of career education courses as core curricula courses under certain circumstances; amending s. 1003.51, F.S.; modifying guidelines for funding requirements that must be included in a rule adopted by the State Board of Education and relating to education programs for youth in Department of Juvenile Justice programs; conforming provisions relating to student progress monitoring plans; amending s. 1003.52, F.S.; conforming provisions relating to student recognition awards; requiring the development and distribution of an annual school report card; authorizing adoption of rules; amending s. 1003.57, F.S.; providing guidelines for determining the residency of a student who receives instruction as an exceptional student with a disability; requiring the student's placing authority or parent to pay the cost of such instruction, facilities, and services; providing responsibilities of the Department of Education; providing responsibilities of residential facilities that educate exceptional students with disabilities; providing applicability; creating s. 1003.576, F.S.; requiring the Department of Education to develop an individual education plan form for use in developing and implementing individual education plans for exceptional students; requiring school districts to use the form; amending s. 1003.58, F.S.; correcting a cross-reference; amending s. 1003.62, F.S.; conforming provisions relating to the designation of school grades and differentiated-pay polices; creating s. 1004.64, F.S.; establishing the Florida Center for Reading Research; specifying the duties of the center; creating s. 1004.99, F.S., the Florida Ready to Work Certification Program to enhance student workplace skills; providing for program implementation and requirements; authorizing rulemaking; amending s. 1006.09, F.S.; conforming a cross-reference; amending s. 1007.21, F.S.; revising the readiness requirements for postsecondary education and the workplace; amending s. 1007.2615, F.S.; revising the date by which a teacher of American Sign Language must be certified; deleting a provision allowing alternative certification; amending s. 1007.271, F.S.; revising the weighting systems for certain high school courses; amending s. 1008.22, F.S.; specifying FCAT grade level and subject area testing requirements; requiring documentation of procedures that ensure test difficulty under certain circumstances; providing that FCAT nonallowable accommodations may be used as instructional accommodations during classroom instruction if included in the individual education plan of a student with a disability; authorizing waiver of the FCAT under certain circumstances; requiring certain opportunities for demonstrating student performance; requiring the development of assessments for measuring the academic competency of students with disabilities; requiring the Commissioner of Education to adopt scores concordant to FCAT scores required for high school graduation; authorizing use of concordant scores for additional purposes; clarifying eligibility to use such scores to satisfy requirements for a diploma; requiring an annual report on student performance; repealing s. 1008.221, F.S., relating to alternative assessments for dependent children of military personnel, to conform; amending s. 1008.25, F.S.; replacing student academic improvement plans with progress monitoring plans; authorizing district school boards to require low-performing students to attend remediation programs outside of regular school hours or during the summer; requiring the department to establish a uniform format for reporting information relating to student progression; requiring an annual report; repealing s. 1008.301, F.S., relating to a concordance study of FCAT equivalencies for high school graduation; amending s. 1008.31, F.S.; revising intent, goals, and measures of the K-20 performance accountability system and requiring data quality improvements; requiring adoption of rules; amending s. 1008.33, F.S.; conforming a cross-reference and provisions relating to the designation of school grades; prohibiting, in a contract that provides for a private entity to administer an alternative school, a provision that changes certain characteristics of the student population as it existed when the school was a public school; amending s. 1008.34, F.S.; revising terminology and provisions relating to designation and determination of school grades; providing for the

designation of school grades for feeder pattern schools under certain circumstances; requiring that a school performance grade category designation include achievement scores and, by a specified deadline, include learning gains for students seeking a special diploma; specifying use of assessment data with respect to alternative schools; defining the term "home school"; requiring an annual school report card to be published by the department and distributed by school districts; creating s. 1008.341, F.S.; requiring improvement ratings for certain alternative schools; providing the basis for such ratings and requiring annual performance reports; providing for determination of school improvement ratings, identification of learning gains, and eligibility for school recognition awards; requiring the development and distribution of an annual school report card; amending s. 1008.345, F.S.; conforming cross-references and provisions relating to the designation of school grades; requiring the commissioner to assign a community assessment team to failing schools; amending s. 1009.24, F.S.; providing that undergraduate tuition be set annually in the General Appropriations Act; providing authority, procedures, and guidelines for determining tuition for graduate and professional programs and for determining out-of-state fees for all programs; amending s. 1011.62, F.S.; providing FTE funding for juveniles enrolled in specified education programs; providing funding for supplemental educational programs; providing funding for supplemental educational services for certain students; conforming cross-references and provisions relating to the designation of school grades; establishing a research-based reading instruction allocation to provide funds for a comprehensive reading instruction system; requiring school district plans for use of the allocation and approval thereof; including the allocation in the total amount allocated to each school district for current operation; amending s. 1011.64, F.S.; conforming terminology and a cross-reference; amending s. 1011.67, F.S.; requiring district school board approval of a staff development plan relating to use of instructional materials; amending s. 1011.685, F.S.; conforming provisions relating to the 2005 repeal of the BEST Florida Teaching salary career ladder program and implementation of a differentiated-pay policy; amending s. 1011.71, F.S.; correcting a cross-reference; amending s. 1012.21, F.S.; requiring the department to annually post online school district collective bargaining contracts and the salary and benefits of certain personnel; amending s. 1012.22, F.S.; revising the time period in which to nominate principals; requiring that each school district adopt a differentiated-pay policy meeting specified criteria; requiring each district school board to annually provide to the department its negotiated collective bargaining contract and the salary and benefits of certain personnel; creating s. 1012.2315, F.S.; providing school district requirements for the assignment of teachers and authorizing incentives; providing procedures for noncompliance; providing requirements relating to collective bargaining; requiring reporting by certain schools; amending s. 1012.27, F.S.; conforming provisions relating to the 2005 repeal of the BEST Florida Teaching salary career ladder program and implementation of a differentiated-pay policy; amending s. 1012.28, F.S.; conforming a cross-reference; amending s. 1012.34, F.S.; conforming provisions relating to deletion of a rigorous reading requirement; amending s. 1012.56, F.S., relating to middle grades certification; encouraging school districts to provide for additional certification for teachers; amending s. 1012.98, F.S., relating to the School Community Professional Development Act; revising the purpose of the professional development system; providing for additional activities; requiring instructional strategies and methods that support rigorous, relevant, and challenging curriculum; providing requirements for followup support and the master plan for inservice activities; providing requirements for the individual professional development plan for instructional employees; requiring the department to disseminate best-practice methods and model professional development programs; creating s. 1012.986, F.S.; providing for a statewide system for the professional development of school leaders consisting of a collaborative network of professional organizations; providing goals of the network; repealing s. 1012.987, F.S., which requires the State Board of Education to adopt rules through which school principals may earn a leadership designation; providing an effective date.

On motion by Rep. Arza, the House concurred in Senate Amendment 1.

THE SPEAKER IN THE CHAIR

The question recurred on the passage of HB 7087. The vote was:

Session Vote Sequence: 1191

Speaker Bense in the Chair.

Yeas—90

Adams	Cretul	Homan	Proctor
Allen	Culp	Hukill	Quinones
Altman	Davis, D.	Johnson	Reagan
Ambler	Davis, M.	Jordan	Rice
Anderson	Dean	Kottkamp	Rivera
Arza	Detert	Kravitz	Robaina
Attkisson	Domino	Kreegel	Ross
Ausley	Evers	Legg	Rubio
Barreiro	Farkas	Littlefield	Russell
Baxley	Flores	Llorente	Sands
Bean	Galvano	Lopez-Cantera	Sansom
Bense	Garcia	Mahon	Seiler
Benson	Gardiner	Mayfield	Simmons
Berfield	Gibson, H.	McInvale	Sorensen
Bilirakis	Glorioso	Mealor	Stansel
Bogdanoff	Goldstein	Murzin	Stargel
Bowen	Goodlette	Needelman	Traviesa
Brown	Grant	Negron	Troutman
Brummer	Greenstein	Patterson	Waters
Cannon	Grimsley	Pickens	Williams
Carroll	Harrell	Planas	Zapata
Clarke	Hasner	Poppell	
Coley	Hays	Porth	

Nays—24

Antone	Fields	Jennings	Roberson
Bendross-Mindingall	Gannon	Joyner	Ryan
Brutus	Gelber	Machek	Slosberg
Bucher	Gibson, A.	Meadows	Smith
Bullard	Gottlieb	Peterman	Sobel
Cusack	Holloway	Richardson	Vana

Votes after roll call:
Yeas—Kyle

Explanation of Vote for Sequence Number 1191

I cannot vote for a bill that continues our state's reliance on the FCAT as the sole determination of a student's performance. I am also concerned about its use of FCAT scores to continue grading our public schools. I and my Democratic colleagues support using the FCAT as a diagnostic tool to give parents and teachers the ability to identify a student's weak areas. We also support increasing teaching salaries and reducing class sizes to give students individual attention. I will continue to advocate for these proposals and other measures that will improve education for Florida children. I fully supported a small portion of the bill that moved school start dates closer to Labor Day. In fact, I was the House prime sponsor of a stand-alone bill (HB 177) that addressed the school start date and that passed through its committee earlier this session. Notwithstanding the bill's inclusion of a school start provision, however, I could not ignore the bad elements of the bill, which would have continued our puiblic schools down a flawed road.

Rep. Dan Gelber—District 106

Explanation of Vote for Sequence Number 1191

I believe the best way to increase opportunities for our children is to make our public schools the best they can be. I have some concerns about this legislation, specifically its reliance on the FCAT as the sole determination of a student's performance. I am also concerned about its use of FCAT scores to continue grading our public schools.
However, I supported this legislation because of its positive aspects, including moving school start dates closer to Labor Day, an issue especially important to many parents in my community. Additionally, the bad elements of the bill, which would have allowed Tallahassee politicians and bureaucrats to further micromanage our public schools, were removed.

I support use of the FCAT as a diagnostic tool to give parents and teachers the ability to identify a student's weak areas. I also support increasing teacher's salaries and reducing class sizes to give students individual attention. I will continue to advocate for these proposals and other measures that will improve education for Florida's children.

Rep. Ari Porth—District 96

Explanation of Vote for Sequence Number 1191

The best way to increase opportunities for our children is to make our public schools better. I have some concerns about this legislation, specifically its reliance on the FCAT as the sole determination of a student's performance and its use of FCAT scores to grade our public schools. However, I supported this legislation because of its positive aspects, including allowing students to major or minor in various subjects, moving school start dates closer to Labor Day, authorizing co-teaching and team teaching, and providing for increased accountability. Additionally, certain bad elements of the bill, which would have allowed Tallahassee politicians and bureaucrats to improperly interfere in our public schools, were removed before final passage. Quite simply, I support using the FCAT as a diagnostic tool to give parents and teachers the ability to identify a student's weak areas. I also support increasing teachers' salaries and reducing class sizes to give students individual attention. I will continue to advocate for these proposals and other measures that will improve education for Florida children.

Rep. John Seiler—District 92

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 795, with amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 795—A bill to be entitled An act relating to student financial assistance; creating s. 1009.701, F.S.; creating the First Generation Matching Grant Program to provide financial aid to undergraduate students with financial need whose parents have not earned a baccalaureate degree; providing for appropriation, allocation, and distribution of funds; providing student eligibility requirements; providing the basis for the amount of awards; providing duties of institutions participating in the program; creating s. 1009.255, F.S.; providing an out-of-state fee exemption; providing eligibility criteria; providing for distribution of the exemption; limiting participation in the program; requiring the Department of Education to administer the exemption program; prohibiting use of the exemption for certain purposes; providing an appropriation; providing an effective date.

(Amendment Bar Code: 171456)

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause

and insert:

Section 1. Section 1009.701, Florida Statutes, is created to read:

1009.701 First Generation Matching Grant Program.--

(1) The First Generation Matching Grant Program is created to enable each state university to provide donors with a matching grant incentive for contributions that will create grant-based student financial aid for undergraduate students who demonstrate financial need and whose parents, as defined in s. 1009.21(1), have not earned a baccalaureate degree. In the case of any individual who regularly resided with and received support from only one parent, an individual whose only such parent did not complete a baccalaureate degree would also be eligible.

(2) Funds appropriated by the Legislature for the program shall be allocated by the Office of Student Financial Assistance to match private contributions on a dollar-for-dollar basis. Contributions made to a state university and pledged for the purposes of this section are eligible for state matching funds appropriated for this program and are not eligible for any other state matching grant program. Pledged contributions are not eligible for matching prior to the actual collection of the total funds. The Office of Student Financial Assistance shall reserve a proportionate allocation of the total appropriated funds for each state university on the basis of full-time equivalent enrollment. Funds that remain unmatched as of December 1 shall be reallocated to state universities that have remaining unmatched private contributions for the program on the basis of full-time equivalent enrollment.

(3) Payment of the state matching grant shall be transmitted to the president of each participating institution or his or her representative in advance of the official drop-add deadline as defined by the institution.

(4) Each participating state university shall establish an application process, determine student eligibility for initial and renewal awards in conformance with subsection (5), identify the amount awarded to each recipient, and notify recipients of the amount of their awards.

(5) In order to be eligible to receive a grant pursuant to this section, an applicant must:

(a) Be a resident for tuition purposes pursuant to s. 1009.21.

(b) Be a first-generation college student. For the purposes of this section, a student is considered "first generation" if neither of the student's parents, as defined in s. 1009.21(1), earned a college degree at the baccalaureate level or higher or, in the case of any individual who regularly resided with and received support from only one parent, if that parent did not earn a baccalaureate degree.

(c) Be accepted at a state university.

(d) Be enrolled for a minimum of six credit hours per term as a degree-seeking undergraduate student.

(e) Have demonstrated financial need by completing the Free Application for Federal Student Aid.

(f) Meet additional eligibility requirements as established by the institution.

(6) The award amount shall be based on the student's need assessment after any scholarship or grant aid, including, but not limited to, a Pell Grant or a Bright Futures Scholarship, has been applied. An award may not exceed the institution's estimated annual cost of attendance for the student to attend the institution.

(7) Each participating institution shall report to the Office of Student Financial Assistance by the date established by the office the eligible students to whom grant moneys are disbursed each academic term. Each institution shall certify to the Office of Student Financial Assistance the amount of funds disbursed to each student and shall remit to the office any undisbursed advances by June 1 of each year.

(8) No later than July 1, each participating institution shall annually report to the Executive Office of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Board of Governors, the eligibility requirements for recipients, the aggregate demographics of recipients, the retention and graduation rates of recipients, and a delineation of funds awarded to recipients.

(9) This section shall be implemented only as specifically funded.

Section 2. For the 2006-2007 fiscal year, the recurring sum of $6.5 million from the General Revenue Fund is appropriated to the Department of Education for the First Generation Matching Grant Program pursuant to this act.

Section 3. Section 1009.892, Florida Statutes, is created to read:

1009.892 Cost of attendance; adult norm-referenced testing.--

(1) A public or private postsecondary institution shall include in its cost of attendance adult norm-referenced testing that it requires for eligible students to qualify for accommodations for disabilities.

(2) To be eligible, a student must be a legal resident of this state, as defined in s. 1009.21; must be enrolled in at least 6 semester hours, or the equivalent, per term in a degree, certificate, or diploma program; and must have documented learning disabilities under the Individuals with Disabilities Education Improvement Act of 2004 or the Americans with Disabilities Act of 1990.

Section 4. Subsection (5) of section 1011.85, Florida Statutes, is amended to read:

1011.85 Dr. Philip Benjamin Matching Grant Program for Community Colleges.--

(5) The matching ratio for donations that are specifically designated to support scholarships, including scholarships for first-generation-in-college students, student loans, or need-based grants shall be $1 of state funds to $1 of local private funds.

Section 5. This act shall take effect July 1, 2006.

======== T I T L E A M E N D M E N T ========

And the title is amended as follows:

Delete everything before the enacting clause

and insert:

A bill to be entitled

An act relating to student financial assistance; creating s. 1009.701, F.S.; creating the First Generation Matching Grant Program to provide financial aid to undergraduate students of a state university who have a financial need and whose parents have not earned a baccalaureate degree; providing for the appropriation, allocation, and distribution of funds; providing student eligibility requirements; providing duties of institutions participating in the program; providing an appropriation; creating s. 1009.892, F.S.; requiring postsecondary institutions to include certain testing costs in the costs of attendance; amending s. 1011.85, F.S.; specifying that the matching ratio for donations for scholarships includes scholarships for students who are the first generation in college; providing an effective date.

On motion by Rep. Flores, the House concurred in Senate Amendment 1.

The question recurred on the passage of HB 795. The vote was:

Session Vote Sequence: 1192

Speaker Bense in the Chair.

Yeas—112

Adams	Culp	Henriquez	Proctor
Allen	Cusack	Holloway	Quinones
Altman	Davis, D.	Homan	Reagan
Ambler	Davis, M.	Hukill	Rice
Anderson	Dean	Jennings	Richardson
Antone	Detert	Johnson	Rivera
Arza	Domino	Jordan	Robaina
Attkisson	Evers	Joyner	Roberson
Ausley	Farkas	Kottkamp	Ross
Barreiro	Fields	Kreegel	Rubio
Baxley	Flores	Kyle	Russell
Bean	Galvano	Littlefield	Ryan
Bendross-Mindingall	Gannon	Llorente	Sands
Bense	Garcia	Lopez-Cantera	Sansom
Benson	Gardiner	Machek	Seiler
Berfield	Gelber	Mahon	Simmons
Bilirakis	Gibson, A.	Mayfield	Slosberg
Bogdanoff	Gibson, H.	McInvale	Smith
Bowen	Glorioso	Meadows	Sobel
Brown	Goldstein	Mealor	Sorensen
Brummer	Goodlette	Murzin	Stansel
Brutus	Gottlieb	Negron	Stargel
Bucher	Grant	Patterson	Traviesa
Bullard	Greenstein	Peterman	Troutman
Cannon	Grimsley	Pickens	Vana
Carroll	Harrell	Planas	Waters
Coley	Hasner	Poppell	Williams
Cretul	Hays	Porth	Zapata

Nays—3

Kravitz	Legg	Needelman

Votes after roll call:

Yeas—Clarke

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 256, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Government Efficiency Appropriations, Judiciary and Senators King, Wise and Atwater—

CS for CS for SB 256—A bill to be entitled An act relating to scholarship program accountability; amending s. 1002.39, F.S., relating to the John M. McKay Scholarships for Students with Disabilities Program; revising the definition of the term "students with disabilities"; revising student eligibility requirements for receipt of a scholarship and restricting eligibility therefor; providing for the term of a scholarship; revising and adding school district obligations and clarifying parental options; revising and adding Department of Education obligations, including verification of eligibility of private schools and establishment of a process for notification of violations, subsequent inquiry or investigation, and certification of compliance by private schools; providing Commissioner of Education authority and obligations, including the denial, suspension, or revocation of a private school's participation in the scholarship program and procedures and timelines therefor; authorizing the Department of Education's Office of the Inspector General to release student records under certain conditions; revising private school eligibility and obligations, including compliance with specified laws and academic accountability to the parent; revising parent and student responsibilities for scholarship program participation; prohibiting power of attorney for endorsing a scholarship warrant; revising provisions relating to scholarship funding and payment; providing funding and payment requirements for former Florida School for the Deaf and the Blind students and for students exiting a Department of Juvenile Justice program; providing for the Department of Education to request a sample of endorsed warrants from the Department of Financial Services; amending s. 220.187, F.S., relating to credits for contributions to nonprofit scholarship-funding organizations; revising and providing definitions; naming the Corporate Income Tax Credit Scholarship Program; providing student eligibility requirements for receipt of a corporate income tax credit scholarship and restricting eligibility therefor; revising provisions relating to tax credits for small businesses; providing for rescindment of tax credit allocation; revising and adding obligations of eligible nonprofit scholarship-funding organizations, including compliance with requirements for background checks of owners and operators, scholarship-funding organization ownership or operation, carryforward and transfer of funds, audits, and reports; specifying background screening requirements and procedures; requiring that certain information remain confidential in accordance with s. 213.053, F.S.; revising and adding parent and student responsibilities for scholarship program participation, including compliance with a private school's published policies, participation in student academic assessment, and restrictive endorsement of scholarship warrants; prohibiting power of attorney for endorsing a scholarship warrant; revising and adding private school eligibility requirements and obligations, including compliance with specified laws and academic accountability to parents; revising and adding Department of Education obligations, including verification of eligibility of program participants, establishment of a process for notification of violations, subsequent inquiry or investigation, certification of compliance by private schools, and selection of a research organization to analyze student performance data; providing Commissioner of Education authority and obligations, including the denial, suspension, or revocation of a private school's participation in the scholarship program and procedures and timelines therefor; authorizing the Department of Education's Office of the Inspector General to release student records under certain circumstances; revising and adding provisions relating to scholarship funding and payment, including the amount of a scholarship and the payment process; requiring adoption of rules; creating s. 1002.421, F.S., relating to accountability of private schools participating in state school choice scholarship programs; providing requirements for participation in a scholarship program, including

compliance with specified state, local, and federal laws and demonstration of fiscal soundness; requiring restrictive endorsement of a scholarship warrant and prohibiting power of attorney for endorsing a warrant; requiring employment of qualified teachers and background screening of employees and contracted personnel having direct student contact; specifying background screening requirements and procedures; providing scope of authority; requiring adoption of rules; providing effective dates.

—was read the first time by title. On motion by Rep. Pickens, the rules were waived and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 1193

Speaker Bense in the Chair.

Yeas—95

Adams	Cretul	Holloway	Planas
Allen	Culp	Homan	Poppell
Altman	Cusack	Hukill	Proctor
Ambler	Davis, D.	Jennings	Quinones
Anderson	Davis, M.	Johnson	Reagan
Arza	Dean	Jordan	Rice
Attkisson	Detert	Kottkamp	Rivera
Ausley	Domino	Kravitz	Robaina
Barreiro	Evers	Kreegel	Ross
Baxley	Farkas	Kyle	Rubio
Bean	Flores	Legg	Russell
Bense	Galvano	Littlefield	Ryan
Benson	Garcia	Llorente	Sansom
Berfield	Gardiner	Lopez-Cantera	Simmons
Bilirakis	Gibson, H.	Mahon	Sobel
Bogdanoff	Glorioso	Mayfield	Sorensen
Bowen	Goldstein	McInvale	Stansel
Brown	Goodlette	Meadows	Stargel
Brummer	Grant	Mealor	Traviesa
Bullard	Grimsley	Murzin	Troutman
Cannon	Harrell	Needelman	Waters
Carroll	Hasner	Negron	Williams
Clarke	Hays	Patterson	Zapata
Coley	Henriquez	Pickens	

Nays—21

Antone	Gelber	Peterman	Slosberg
Bendross-Mindingall	Gibson, A.	Porth	Smith
Brutus	Gottlieb	Richardson	Vana
Bucher	Greenstein	Roberson	
Fields	Joyner	Sands	
Gannon	Machek	Seiler	

Votes after roll call:
Yeas to Nays—Fields, Goldstein, Meadows, Sobel
Nays to Yeas—Antone, Fields, Fields

So the bill passed and was immediately certified to the Senate.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1449, with amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 1449—A bill to be entitled An act relating to brain tumor research; creating s. 381.853, F.S.; providing legislative findings and intent; requiring the Evelyn F. and William L. McKnight Brain Institute of the University of Florida to develop and maintain a brain tumor registry; providing that individuals may choose not to be listed in the registry; establishing the Florida Center for Brain Tumor Research within the Evelyn F. and William L. McKnight Brain Institute of the University of Florida; providing purpose and goal of the center; providing for a competitive grant process for awarding certain funds; requiring the center to hold an annual brain tumor biomedical technology summit; providing for clinical trials and collaboration between certain entities; requiring the center to submit an annual report to the Governor, Legislature, and Secretary of Health; providing for funding; establishing a scientific advisory council and providing for membership, terms of office, meetings, and compensation; providing an appropriation; providing an effective date.

(Amendment Bar Code: 530128)

Senate Amendment 1 (with title amendment)—Lines 135-140, delete those lines and redesignate subsequent sections.

======== T I T L E A M E N D M E N T ========
And the title is amended as follows:
Lines 19-20, delete those lines

and insert:
terms of office, meetings, and compensation; providing an effective date.

On motion by Rep. Joyner, the House concurred in Senate Amendment 1.

The question recurred on the passage of HB 1449. The vote was:

Session Vote Sequence: 1194

Speaker Bense in the Chair.

Yeas—116

Adams	Culp	Holloway	Porth
Allen	Cusack	Homan	Proctor
Altman	Davis, D.	Hukill	Quinones
Ambler	Davis, M.	Jennings	Reagan
Anderson	Dean	Johnson	Rice
Antone	Detert	Jordan	Richardson
Arza	Domino	Joyner	Rivera
Attkisson	Evers	Kottkamp	Robaina
Ausley	Farkas	Kravitz	Roberson
Barreiro	Fields	Kreegel	Ross
Baxley	Flores	Kyle	Rubio
Bean	Galvano	Legg	Russell
Bendross-Mindingall	Gannon	Littlefield	Ryan
Bense	Garcia	Llorente	Sands
Benson	Gardiner	Lopez-Cantera	Sansom
Berfield	Gelber	Machek	Seiler
Bilirakis	Gibson, A.	Mahon	Simmons
Bogdanoff	Gibson, H.	Mayfield	Slosberg
Bowen	Glorioso	McInvale	Smith
Brown	Goldstein	Meadows	Sobel
Brummer	Goodlette	Mealor	Sorensen
Brutus	Gottlieb	Murzin	Stansel
Bucher	Grant	Needelman	Stargel
Bullard	Greenstein	Negron	Traviesa
Cannon	Grimsley	Patterson	Troutman
Carroll	Harrell	Peterman	Vana
Clarke	Hasner	Pickens	Waters
Coley	Hays	Planas	Williams
Cretul	Henriquez	Poppell	Zapata

Nays—None

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7173, with amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 7173—A bill to be entitled An act relating to the welfare of children; amending s. 39.001, F.S.; providing additional purposes of ch. 39, F.S.; revising legislative intent; creating the Office of Child Abuse Prevention

within the Executive Office of the Governor; directing the Governor to appoint a director of the office; providing duties and responsibilities of the director; providing procedures for evaluation of child abuse prevention programs; requiring a report to the Governor, Legislature, secretaries of certain state agencies, and certain committees of the Legislature; providing for information to be included in the report; providing for the development and implementation of a state plan for the coordination of child abuse prevention programs and services; establishing a Child Abuse Prevention Advisory Council; providing for membership, duties, and responsibilities; requiring requests for funding to be based on the state plan; providing for review and revision of the state plan; granting rulemaking authority to the Executive Office of the Governor; requiring the Legislature to evaluate the office by a specified date; amending s. 39.0014, F.S.; providing responsibilities of the office under ch. 39, F.S.; amending s. 39.01, F.S.; providing and revising definitions; amending s. 39.202, F.S.; providing access to records for agencies that provide early intervention and prevention services; amending ss. 39.0015, 39.013, and 39.302, F.S.; conforming cross-references and terminology; amending s. 39.701, F.S.; requiring the court to issue an order that is separate from other judicial review orders; amending s. 402.164, F.S.; establishing legislative intent for the statewide and local advocacy councils; revising a definition; amending s. 402.165, F.S.; providing for termination of members of the statewide council; providing guidelines for selection of the executive director of the Florida Statewide Advocacy Council; establishing a process for investigating reports of abuse; revising council meeting requirements; providing requirements for interagency agreements; requiring interagency agreements to be renewed annually and submitted to the Governor by a specified date; providing additional requirements for the statewide council to petition the circuit court for access to certain records; amending s. 409.1451, F.S., relating to independent living transition services; revising eligibility requirements for certain young adults; revising duties of the Department of Children and Family Services regarding independent living transition services; including additional parties in the review of a child's academic performance; requiring the department or a community-based care lead agency under contract with the department to develop a plan for delivery of such services; requiring additional aftercare support services; providing additional qualifications to receive an award under the Road-to-Independence Program; deleting certain time restrictions for submitting applications; providing procedures for the payment of awards; requiring collaboration between certain parties in the development of a plan regarding the provision of transitional services; requiring a community-based care lead agency to develop a plan for purchase and delivery of such services and requiring department approval prior to implementation; requiring the department to submit a report annually to the Legislature on performance, oversight, and rule development; permitting the Independent Living Services Advisory Council to have access to certain data held by the department and certain agencies; amending s. 409.175, F.S.; revising the definition of the term "boarding school" to require such schools to meet certain standards within a specified timeframe; amending s. 409.903, F.S.; providing eligibility criteria for certain persons to qualify for medical assistance payments; creating s. 743.045, F.S.; removing the disability of nonage for certain youth in the legal custody of the Department of Children and Family Services; amending s. 1009.25, F.S.; providing additional criteria for a student to qualify for an exemption from certain tuition and fees; providing a contingent effective date.

(Amendment Bar Code: 660866)

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause

and insert:

Section 1. Section 409.1451, Florida Statutes, is amended to read:

409.1451 Independent living transition services.--

(1) SYSTEM OF SERVICES.--

(a) The Department of Children and Family Services, its agents, or community-based providers operating pursuant to s. 409.1671 shall administer a system of independent living transition services to enable older children in foster care and young adults who exit foster care at age 18 to make the transition to self-sufficiency as adults.

(b) The goals of independent living transition services are to assist older children in foster care and young adults who were formerly in foster care to obtain life skills and education for independent living and employment, to have a quality of life appropriate for their age, and to assume personal responsibility for becoming self-sufficient adults.

(c) State funds for foster care or federal funds shall be used to establish a continuum of services for eligible children in foster care and eligible young adults who were formerly in foster care which accomplish the goals for the system of independent living transition services by providing services for foster children, pursuant to subsection (4), and services for young adults who were formerly in foster care, pursuant to subsection (5).

(d) For children in foster care, independent living transition services are not an alternative to adoption. Independent living transition services may occur concurrently with continued efforts to locate and achieve placement in adoptive families for older children in foster care.

(2) ELIGIBILITY.--

(a) The department shall serve children who have reached 13 years of age but are not yet 18 years of age and who are in foster care by providing services pursuant to subsection (4). Children to be served must meet the eligibility requirements set forth for specific services as provided in this section.

(b) The department shall provide services pursuant to subsection (5) to ~~serve~~ young adults who have reached 18 years of age but are not yet 23 years of age and who were in foster care when they turned 18 years of age or who were adopted from foster care after reaching 16 years of age or, after spending at least 6 months in the custody of the department after reaching 16 years of age, were placed in a guardianship by the court ~~by providing services pursuant to subsection (5)~~. Young adults are not entitled to be served but must meet the eligibility requirements set forth for specific services in this section.

(3) PREPARATION FOR INDEPENDENT LIVING.--

(a) It is the intent of the Legislature for the Department of Children and Family Services to assist older children in foster care and young adults who exit foster care at age 18 in making the transition to independent living and self-sufficiency as adults. The department shall provide such children and young adults with opportunities to participate in life skills activities in their foster families and communities which are reasonable and appropriate for their respective ages or for any special needs they may have~~,~~ and shall provide them with services to build life ~~the~~ skills and increase their ability to live independently and become self-sufficient. To support the provision of opportunities for participation in age-appropriate life skills activities, the department shall:

1. Develop a list of age-appropriate activities and responsibilities to be offered to all children involved in independent living transition services and their foster parents.

2. Provide training for staff and foster parents to address the issues of older children in foster care in transitioning to adulthood, which shall include information on high school completion, grant applications, vocational school opportunities, supporting education and employment opportunities, and ~~providing~~ opportunities to participate in appropriate daily activities.

3. Develop procedures to maximize the authority of foster parents or caregivers to approve participation in age-appropriate activities of children in their care. The age-appropriate activities shall be included in the child's case plan. This plan must include specific goals and objectives and be reviewed at each judicial review as part of the case plan.

4. Provide opportunities for older children in foster care to interact with mentors.

5. Develop and implement procedures for older children to directly access and manage the personal allowance they receive from the department in order to learn responsibility and participate in age-appropriate life skills activities to the extent feasible.

6. Make a good faith effort to fully explain, prior to execution of any signature, if required, any document, report, form, or other record, whether written or electronic, presented to a child or young adult and allow for the recipient to ask any appropriate questions necessary to fully understand the document. It shall be the responsibility of the person presenting the document to the child or young adult to comply with this subparagraph.

(b) It is further the intent of the Legislature that each child in foster care, his or her foster parents, if applicable, and the department or community-based provider set early achievement and career goals for the child's postsecondary educational and work experience. The department and community-based providers shall implement the model set forth in this paragraph to help ensure that children in foster care are ready for postsecondary education and the workplace.

1. For children in foster care who have reached 13 years of age, ~~entering the 9th grade, their foster parents, and~~ the department or community-based provider shall ensure that the child's case plan includes an educational and career path ~~be active participants in choosing a post-high school goal~~ based upon both the abilities and interests of each child. The child, the foster parents, and a teacher or other school staff member shall be included to the fullest extent possible in developing the path. The path shall be reviewed at each judicial hearing as part of the case plan and ~~goal~~ shall accommodate the needs of children served in exceptional education programs to the extent appropriate for each individual. Such children may continue to follow the courses outlined in the district school board student progression plan. Children in foster care, with the assistance of their foster parents, and the department or community-based provider shall choose one of the following postsecondary goals:

a. Attending a 4-year college or university, a community college plus university, or a military academy;

b. Receiving a 2-year postsecondary degree;

c. Attaining a postsecondary career and technical certificate or credential; or

d. Beginning immediate employment, including apprenticeship, after completion of a high school diploma or its equivalent, or enlisting in the military.

2. In order to assist the child in foster care in achieving his or her chosen goal, the department or community-based provider shall, with the participation of the child and foster parents, identify:

a. The core courses necessary to qualify for a chosen goal.

b. Any elective courses which would provide additional help in reaching a chosen goal.

c. The grade point requirement and any additional information necessary to achieve a specific goal.

d. A teacher, other school staff member, employee of the department or community-based care provider, or community volunteer who would be willing to work with the child as an academic advocate or mentor if foster parent involvement is insufficient or unavailable.

3. In order to complement educational goals, the department and community-based providers are encouraged to form partnerships with the business community to support internships, apprenticeships, or other work-related opportunities.

4. The department and community-based providers shall ensure that children in foster care and their foster parents are made aware of the postsecondary goals available and shall assist in identifying the coursework necessary to enable the child to reach the chosen goal.

(c) All children in foster care and young adults formerly in foster care are encouraged to take part in learning opportunities that result from participation in community service activities.

(d) Children in foster care and young adults formerly in foster care shall be provided with the opportunity to change from one postsecondary goal to another, and each postsecondary goal shall allow for changes in each individual's needs and preferences. Any change, particularly a change that will result in additional time required to achieve a goal, shall be made with the guidance and assistance of the department or community-based provider.

(4) SERVICES FOR CHILDREN IN FOSTER CARE.--The department shall provide the following transition to independence services to children in foster care who meet prescribed conditions and are determined eligible by the department. The service categories available to children in foster care which facilitate successful transition into adulthood are:

(a) Preindependent living services.--

1. Preindependent living services include, but are not limited to, life skills training, educational field trips, and conferences. The specific services to be provided to a child shall be determined using a preindependent living assessment.

2. A child who has reached 13 years of age but is not yet 15 years of age who is in foster care is eligible for such services.

3. The department shall conduct an annual staffing for each child who has reached 13 years of age but is not yet 15 years of age to ensure that the preindependent living training and services to be provided as determined by the preindependent living assessment are being received and to evaluate the progress of the child in developing the needed independent living skills.

4. At the first annual staffing that occurs following a child's 14th birthday, and at each subsequent staffing, the department or community-based provider shall ensure that the child's case plan includes an educational and career path based upon both the abilities and interests of each child and shall provide to each child detailed personalized information on services provided by the Road-to-Independence ~~Scholarship~~ Program, including requirements for eligibility; on other grants, scholarships, and waivers that are available and should be sought by the child with assistance from the department, including, but not limited to, the Bright Futures Scholarship Program, as provided in ss. 1009.53-1009.538; on application deadlines; and on grade requirements for such programs.

5. Information related to both the preindependent living assessment and all staffings, which shall be reduced to writing and signed by the child participant, shall be included as a part of the written report required to be provided to the court at each judicial review held pursuant to s. 39.701.

(b) Life skills services.--

1. Life skills services may include, but are not limited to, independent living skills training, including training to develop financial literacy ~~banking and budgeting~~ skills, interviewing skills, parenting skills, and time management or organizational skills, educational support, employment training, and counseling. Children receiving these services should also be provided with information related to social security insurance benefits and public assistance. The specific services to be provided to a child shall be determined using an independent life skills assessment.

2. A child who has reached 15 years of age but is not yet 18 years of age who is in foster care is eligible for such services.

3. The department shall conduct a staffing at least once every 6 months for each child who has reached 15 years of age but is not yet 18 years of age to ensure that the appropriate independent living training and services as determined by the independent life skills assessment are being received and to evaluate the progress of the child in developing the needed independent living skills.

4. The department shall provide to each child in foster care no later than ~~during~~ the calendar month following the child's 17th birthday an independent living assessment to determine the child's skills and abilities to live independently and become self-sufficient. ~~Based on the results of the independent living assessment, services and training shall be provided in order for the child to develop the necessary skills and abilities prior to the child's 18th birthday.~~

5. The department or community-based care provider shall work with the child in developing a joint transition plan that is consistent with the needs assessment described in subparagraph 4. The transition plan must identify the specific services needed to support the child's own efforts to achieve independence and must include specific tasks that the child must complete or maintain in order to achieve independence. The plan shall be incorporated into the child's case plan and reviewed at the first judicial review after the child's 17th birthday.

6.~~5.~~ Information related to both the independent life skills assessment and all staffings, which shall be reduced to writing and signed by the child participant, shall be included as a part of the written report required to be provided to the court at each judicial review held pursuant to s. 39.701.

(c) Subsidized independent living services.--

1. Subsidized independent living services are living arrangements that allow the child to live independently of the daily care and supervision of an adult in a setting that is not required to be licensed under s. 409.175.

2. A child who has reached 16 years of age but is not yet 18 years of age is eligible for such services if he or she:

a. Is adjudicated dependent under chapter 39; has been placed in licensed out-of-home care for at least 6 months prior to entering subsidized independent living; and has a permanency goal of adoption, independent living, or long-term licensed care; and

b. Is able to demonstrate independent living skills, as determined by the department, using established procedures and assessments.

3. Independent living arrangements established for a child must be part of an overall plan leading to the total independence of the child from the department's supervision. The plan must include, but need not be limited to, a description of the skills of the child and a plan for learning additional identified skills; the behavior that the child has exhibited which indicates an ability to be responsible and a plan for developing additional responsibilities, as appropriate; a plan for future educational, vocational, and training skills; present financial and budgeting capabilities and a plan for improving resources and ability; a description of the proposed residence; documentation that the child understands the specific consequences of his or her conduct in the independent living program; documentation of proposed services to be provided by the department and other agencies, including the type of service and the nature and frequency of contact; and a plan for maintaining or developing relationships with the family, other adults, friends, and the community, as appropriate.

4. Subsidy payments in an amount established by the department may be made directly to a child under the direct supervision of a caseworker or other responsible adult approved by the department.

(5) SERVICES FOR YOUNG ADULTS FORMERLY IN FOSTER CARE.--Based on the availability of funds, the department shall provide or arrange for the following services to young adults formerly in foster care who meet the prescribed conditions and are determined eligible by the department. The department, or a community-based care lead agency when the agency is under contract with the department to provide the services described under this subsection, shall develop a plan to implement those services. A plan shall be developed for each community-based care service area in the state. Each plan that is developed by a community-based care lead agency shall be submitted to the department. Each plan shall include the number of young adults to be served each month of the fiscal year and specify the number of young adults who will reach 18 years of age who will be eligible for the plan and the number of young adults who will reach 23 years of age and will be ineligible for the plan or who are otherwise ineligible during each month of the fiscal year; staffing requirements and all related costs to administer the services and program; expenditures to or on behalf of the eligible recipients; costs of services provided to young adults through an approved plan for housing, transportation, and employment; reconciliation of these expenses and any additional related costs with the funds allocated for these services; and an explanation of and a plan to resolve any shortages or surpluses in order to end the fiscal year with a balanced budget. The categories of services available to assist a young adult formerly in foster care to achieve independence are:

(a) Aftercare support services.--

1. Aftercare support services are available to assist young adults who were formerly in foster care in their efforts to continue to develop the skills and abilities necessary for independent living. The aftercare support services available include, but are not limited to, the following:

a. Mentoring and tutoring.

b. Mental health services and substance abuse counseling.

c. Life skills classes, including credit management and preventive health activities.

d. Parenting classes.

e. Job and career skills training.

f. Counselor consultations.

g. Temporary financial assistance.

h. Financial literacy skills training.

The specific services to be provided under this subparagraph shall be determined by an aftercare services assessment and may be provided by the department or through referrals in the community.

2. Temporary assistance provided to prevent homelessness shall be provided as expeditiously as possible and within the limitations defined by the department.

3.~~2.~~ A young adult who has reached 18 years of age but is not yet 23 years of age who leaves foster care at 18 years of age but who requests services prior to reaching 23 years of age is eligible for such services.

(b) Road-to-Independence ~~Scholarship~~ Program.--

1. The Road-to-Independence ~~Scholarship~~ Program is intended to help eligible students who are former foster children in this state to receive the educational and vocational training needed to achieve independence. The amount of the award shall be based on the living and educational needs of the young adult and may be up to, but may not exceed, the amount of earnings that the student would have been eligible to earn working a 40-hour-a-week federal minimum wage job.

2. A young adult who has reached 18 years of age but is not yet 21 years of age is eligible for the initial award, and a young adult under 23 years of age is eligible for renewal awards, if he or she:

a. Was a dependent child, under chapter 39, and was living in licensed foster care or in subsidized independent living at the time of his or her 18th birthday or is currently in licensed foster care or subsidized independent living, was adopted from foster care after reaching 16 years of age, or, after spending at least 6 months in the custody of the department after reaching 16 years of age, was placed in a guardianship by the court;

b. Spent at least 6 months living in foster care before reaching his or her 18th birthday;

c. Is a resident of this state as defined in s. 1009.40; and

d. Meets one of the following qualifications:

(I) Has earned a standard high school diploma or its equivalent as described in s. 1003.43 or s. 1003.435, or has earned a special diploma or special certificate of completion as described in s. 1003.438, and has been admitted for full-time enrollment in an eligible postsecondary education institution as defined in s. 1009.533;

(II) Is enrolled full time in an accredited high school; or

(III) Is enrolled full time in an accredited adult education program designed to provide the student with a high school diploma or its equivalent.

3. A young adult applying for the ~~a~~ Road-to-Independence Program ~~Scholarship~~ must apply for any other grants and scholarships for which he or she may qualify. The department shall assist the young adult in the application process and may use the federal financial aid grant process to determine the funding needs of the young adult.

4. An award shall be available to a young adult who is considered a full-time student or its equivalent by the educational institution in which he or she is enrolled, unless that young adult has a recognized disability preventing full-time attendance. The amount of the award, whether it is being used by a young adult working toward completion of a high school diploma or its equivalent or working toward completion of a postsecondary education program, shall be determined based on an assessment of the funding needs of the young adult. This assessment must consider the young adult's living and educational costs and other grants, scholarships, waivers, earnings, and other income to be received by the young adult. An award shall be available only to the extent that other grants and scholarships are not sufficient to meet the living and educational needs of the young adult, but an award may not be less than $25 in order to maintain Medicaid eligibility for the young adult as provided in s. 409.903.

5. The amount of the award may be disregarded for purposes of determining the eligibility for, or the amount of, any other federal or federally supported assistance.

6.~~5.~~a. The department must advertise the criteria, application procedures, and availability of the program to:

(I) Children and young adults in, leaving, or formerly in foster care.

(II) Case managers.

(III) Guidance and family services counselors.

(IV) Principals or other relevant school administrators.

(V) Guardians ad litem.

(VI) Foster parents. ~~and must ensure that the children and young adults leaving foster care, foster parents, or family services counselors are informed of the availability of the program and the application procedures.~~

~~b. A young adult must apply for the initial award during the 6 months immediately preceding his or her 18th birthday, and the department shall provide assistance with the application process. A young adult who fails to make an initial application, but who otherwise meets the criteria for an initial award, may make one application for the initial award if the application is made before the young adult's 21st birthday. If the young adult does not apply for an initial award before his or her 18th birthday, the department shall inform that young adult of the opportunity to apply before turning 21 years of age.~~

b.~~c.~~ ~~If funding for the program is available,~~ The department shall issue awards from the ~~scholarship~~ program for each young adult who meets all the requirements of the program to the extent funding is available.

c.~~d.~~ An award shall be issued at the time the eligible student reaches 18 years of age.

d.~~e.~~ A young adult who is eligible for the Road-to-Independence Program, transitional support services, or aftercare services and who so desires shall be allowed to reside with the licensed foster family or group care provider with whom he or she was residing at the time of attaining his or her 18th birthday or to reside in another licensed foster home or with a group care provider arranged by the department.

e.~~f.~~ If the award recipient transfers from one eligible institution to another and continues to meet eligibility requirements, the award must be transferred with the recipient.

f.~~g.~~ ~~Scholarship~~ Funds awarded to any eligible young adult under this program are in addition to any other services or funds provided to the young adult by the department through transitional support services or aftercare services ~~its independent living transition services~~.

g.~~h.~~ The department shall provide information concerning young adults receiving funding through the Road-to-Independence Program ~~Scholarship~~ to the Department of Education for inclusion in the student financial assistance database, as provided in s. 1009.94.

h.~~i.~~ ~~Scholarship~~ Funds are intended to help eligible young adults ~~students~~ who are former foster children in this state to receive the educational and vocational training needed to become independent and self-supporting. The funds shall be terminated when the young adult has attained one of four postsecondary goals under subsection (3) or reaches 23 years of age, whichever occurs earlier. In order to initiate postsecondary education, to allow for a change in career goal, or to obtain additional skills in the same educational or vocational area, a young adult may earn no more than two diplomas, certificates, or credentials. A young adult attaining an associate of arts or associate of science degree shall be permitted to work toward completion of a bachelor of arts or a bachelor of science degree or an equivalent undergraduate degree. Road-to-Independence Program ~~Scholarship~~ funds may not be used for education or training after a young adult has attained a bachelor of arts or a bachelor of science degree or an equivalent undergraduate degree.

i.~~j.~~ The department shall evaluate and renew each award annually during the 90-day period before the young adult's birthday. In order to be eligible for a renewal award for the subsequent year, the young adult must:

(I) Complete the number of hours, or the equivalent considered full time by the educational institution, unless that young adult has a recognized disability preventing full-time attendance, in the last academic year in which the young adult earned an award ~~a scholarship~~, except for a young adult who meets the requirements of s. 1009.41.

(II) Maintain appropriate progress as required by the educational institution, except that, if the young adult's progress is insufficient to renew the award ~~scholarship~~ at any time during the eligibility period, the young adult may restore eligibility by improving his or her progress to the required level.

j.~~k.~~ ~~Scholarship~~ Funds may be terminated during the interim between an award and the evaluation for a renewal award if the department determines that the award recipient is no longer enrolled in an educational institution as defined in sub-subparagraph 2.d., or is no longer a state resident. The department shall notify a recipient ~~student~~ who is terminated and inform the recipient ~~student~~ of his or her right to appeal.

k.~~l.~~ An award recipient who does not qualify for a renewal award or who chooses not to renew the award may subsequently apply for reinstatement. An application for reinstatement must be made before the young adult reaches 23 years of age, and a student may not apply for reinstatement more than once. In order to be eligible for reinstatement, the young adult must meet the eligibility criteria and the criteria for award renewal for the ~~scholarship~~ program.

(c) Transitional support services.--

1. In addition to any services provided through aftercare support or the Road-to-Independence Program ~~Scholarship~~, a young adult formerly in foster care may receive other appropriate short-term funding and services, which may include financial, housing, counseling, employment, education, mental health, disability, and other services, if the young adult demonstrates that the services are critical to the young adult's own efforts to achieve self-sufficiency and to develop a personal support system.

2. A young adult formerly in foster care is eligible to apply for transitional support services if he or she has reached 18 years of age but is not yet 23 years of age, was a dependent child pursuant to chapter 39, was living in licensed foster care or in subsidized independent living at the time of his or her 18th birthday, and had spent at least 6 months living in foster care before that date.

3. If at any time the services are no longer critical to the young adult's own efforts to achieve self-sufficiency and to develop a personal support system, they shall be terminated.

(d) Payment of aftercare, Road-to-Independence Program ~~scholarship~~, or transitional support funds.--

1. Payment of aftercare, Road-to-Independence Program ~~scholarship~~, or transitional support funds shall be made directly to the recipient unless the recipient requests in writing to the community-based care lead agency, or the department, that the payments or a portion of the payments be made directly on the recipient's behalf in order to secure services such as housing, counseling, education, or employment training as part of the young adult's own efforts to achieve self-sufficiency.

2. After the completion of aftercare support services that satisfy the requirements of sub-subparagraph (a)1.h., payment of awards under the Road-to-Independence Program shall be made by direct deposit to the recipient, unless the recipient requests in writing to the community-based care lead agency or the department that:

a. The payments be made directly to the recipient by check or warrant;

b. The payments or a portion of the payments be made directly on the recipient's behalf to institutions the recipient is attending to maintain eligibility under this section; or

c. The payments be made on a two-party check to a business or landlord for a legitimate expense, whether reimbursed or not. A legitimate expense for the purposes of this sub-subparagraph shall include automobile repair or maintenance expenses; educational, job, or training expenses; and costs incurred, except legal costs, fines, or penalties, when applying for or executing a rental agreement for the purposes of securing a home or residence.

3. The community-based care lead agency may purchase housing, transportation, or employment services to ensure the availability and affordability of specific transitional services thereby allowing an eligible young adult to utilize these services in lieu of receiving a direct payment. Prior to purchasing such services, the community-based care lead agency must have a plan approved by the department describing the services to be purchased, the rationale for purchasing the services, and a specific range of expenses for each service that is less than the cost of purchasing the service by an individual young adult. The plan must include a description of the transition of a young adult using these services into independence and a timeframe for achievement of independence. An eligible young adult who prefers a direct payment shall receive such payment. The plan must be reviewed annually and evaluated for cost-efficiency and for effectiveness in assisting young adults in achieving independence, preventing homelessness among young adults, and enabling young adults to earn a living wage in a permanent employment situation.

4. The young adult who resides with a foster family may not be included as a child in calculating any licensing restriction on the number of children in the foster home.

(e) Appeals process.--

1. The Department of Children and Family Services shall adopt by rule a procedure by which a young adult may appeal an eligibility determination or the department's failure to provide aftercare, Road-to-Independence Program

~~scholarship~~, or transitional support services, or the termination of such services, if such funds are available.

2. The procedure developed by the department must be readily available to young adults, must provide timely decisions, and must provide for an appeal to the Secretary of Children and Family Services. The decision of the secretary constitutes final agency action and is reviewable by the court as provided in s. 120.68.

(6) ACCOUNTABILITY.--The department shall develop outcome measures for the program and other performance measures in order to maintain oversight of the program. The department shall report on the outcome measures and the department's oversight activities in a report to the Legislature. The report must be prepared and submitted to the committees of jurisdiction for issues relating to children and families in the Senate and House of Representatives no later than January 31 of each year. The report must include:

(a) An analysis of performance on outcome measures developed under this section and reported for each community-based care lead agency and compared with the performance of the department on the same measures;

(b) A description of the department's oversight of the program including, by lead agency, any programmatic or fiscal deficiencies found, corrective actions required, and current status of compliance; and

(c) Any rules adopted or proposed under the authority of this section since the last report. For the purposes of the first report, any rules adopted or proposed under the authority of this section must be included.

(7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.--The Secretary of Children and Family Services shall establish the Independent Living Services Advisory Council for the purpose of reviewing and making recommendations concerning the implementation and operation of the independent living transition services. This advisory council shall continue to function as specified in this subsection until the Legislature determines that the advisory council can no longer provide a valuable contribution to the department's efforts to achieve the goals of the independent living transition services.

(a) Specifically, the advisory council shall assess the implementation and operation of the system of independent living transition services and advise the department on actions that would improve the ability of the independent living transition services to meet the established goals. The advisory council shall keep the department informed of problems being experienced with the services, barriers to the effective and efficient integration of services and support across systems, and successes that the system of independent living transition services has achieved. The department shall consider, but is not required to implement, the recommendations of the advisory council.

(b) The advisory council shall report to the appropriate substantive committees of the Senate and the House of Representatives on the status of the implementation of the system of independent living transition services; efforts to publicize the availability of aftercare support services, the Road-to-Independence ~~Scholarship~~ Program, and transitional support services; ~~specific barriers to financial aid created by the scholarship and possible solutions;~~ the success of the services; problems identified; recommendations for department or legislative action; and the department's implementation of the recommendations contained in the Independent Living Services Integration Workgroup Report submitted to the Senate and the House substantive committees December 31, 2002. This advisory council report shall be submitted by December 31 of each year that the council is in existence and shall be accompanied by a report from the department which identifies the recommendations of the advisory council and either describes the department's actions to implement these recommendations or provides the department's rationale for not implementing the recommendations.

(c) Members of the advisory council shall be appointed by the secretary of the department. The membership of the advisory council must include, at a minimum, representatives from the headquarters and district offices of the Department of Children and Family Services, community-based care lead agencies, the Agency for Workforce Innovation, the Department of Education, the Agency for Health Care Administration, the State Youth Advisory Board, Workforce Florida, Inc., the Statewide Guardian Ad Litem Office, foster parents, recipients of Road-to-Independence Program funding, and advocates for foster children. The secretary shall determine the length of the term to be served by each member appointed to the advisory council, which may not exceed 4 years.

(d) The Department of Children and Family Services shall provide administrative support to the Independent Living Services Advisory Council to accomplish its assigned tasks. The advisory council shall be afforded access to all appropriate data from the department, each community-based care lead agency, and other relevant agencies in order to accomplish the tasks set forth in this section. The data collected may not include any information that would identify a specific child or young adult.

(8) PERSONAL PROPERTY.--Property acquired on behalf of clients of this program shall become the personal property of the clients and is not subject to the requirements of chapter 273 relating to state-owned tangible personal property. Such property continues to be subject to applicable federal laws.

(9) MEDICAL ASSISTANCE FOR YOUNG ADULTS FORMERLY IN FOSTER CARE.--The department shall enroll in the Florida KidCare program, outside the open enrollment period, each young adult who is eligible as described in paragraph (2)(b) and who has not yet reached his or her 19th birthday.

(a) A young adult who was formerly in foster care at the time of his or her 18th birthday and who is 18 years of age but not yet 19, shall pay the premium for the Florida KidCare program as required in s. 409.814.

(b) A young adult who has health insurance coverage from a third party through his or her employer or who is eligible for Medicaid is not eligible for enrollment under this subsection.

(10) RULEMAKING.--The department shall adopt by rule procedures to administer this section, including balancing the goals of normalcy and safety for the youth and providing the caregivers with as much flexibility as possible to enable the youth to participate in normal life experiences. The department shall not adopt rules relating to reductions in ~~scholarship~~ awards. The department shall engage in appropriate planning to prevent, to the extent possible, a reduction in ~~scholarship~~ awards after issuance.

Section 2. Subsection (2) of section 39.013, Florida Statutes, is amended to read:

39.013 Procedures and jurisdiction; right to counsel.--

(2) The circuit court shall have exclusive original jurisdiction of all proceedings under this chapter, of a child voluntarily placed with a licensed child-caring agency, a licensed child-placing agency, or the department, and of the adoption of children whose parental rights have been terminated under this chapter. Jurisdiction attaches when the initial shelter petition, dependency petition, or termination of parental rights petition is filed or when a child is taken into the custody of the department. The circuit court may assume jurisdiction over any such proceeding regardless of whether the child was in the physical custody of both parents, was in the sole legal or physical custody of only one parent, caregiver, or some other person, or was in the physical or legal custody of no person when the event or condition occurred that brought the child to the attention of the court. When the court obtains jurisdiction of any child who has been found to be dependent, the court shall retain jurisdiction, unless relinquished by its order, until the child reaches 18 years of age. However, if a youth petitions the court at any time before his or her 19th birthday requesting the court's continued jurisdiction, the juvenile court may retain jurisdiction under this chapter for a period not to exceed 1 year following the youth's 18th birthday for the purpose of determining whether appropriate aftercare support, Road-to-Independence Program ~~Scholarship~~, transitional support, mental health, and developmental disability services, to the extent otherwise authorized by law, have been provided to the formerly dependent child who was in the legal custody of the department immediately before his or her 18th birthday. If a petition for special immigrant juvenile status and an application for adjustment of status have been filed on behalf of a foster child and the petition and application have not been granted by the time the child reaches 18 years of age, the court may retain jurisdiction over the dependency case solely for the purpose of allowing the continued consideration of the petition and application by federal authorities. Review hearings for the child shall be set solely for the purpose of determining the status of the petition and application. The court's jurisdiction terminates upon the final decision of the federal authorities. Retention of jurisdiction in this instance does not affect the services available to a young adult under s.

409.1451. The court may not retain jurisdiction of the case after the immigrant child's 22nd birthday.

Section 3. Paragraph (a) of subsection (6) of section 39.701, Florida Statutes, is amended to read:

39.701 Judicial review.--

(6)(a) In addition to paragraphs (1)(a) and (2)(a), the court shall hold a judicial review hearing within 90 days after a youth's 17th birthday. The court shall also issue an order, separate from the order on judicial review, that the disabilities of nonage of the youth have been removed pursuant to s. 743.045. The court ~~and~~ shall continue to hold timely judicial review hearings thereafter. In addition, the court may review the status of the child more frequently during the year prior to the youth's 18th birthday if necessary. At each review held under this subsection, in addition to any information or report provided to the court, the foster parent, legal custodian, guardian ad litem, and the child shall be given the opportunity to address the court with any information relevant to the child's best interests, particularly as it relates to independent living transition services. In addition to any information or report provided to the court, the department shall include in its judicial review social study report written verification that the child:

1. Has been provided with a current Medicaid card and has been provided all necessary information concerning the Medicaid program sufficient to prepare the youth to apply for coverage upon reaching age 18, if such application would be appropriate.

2. Has been provided with a certified copy of his or her birth certificate and, if the child does not have a valid driver's license, a Florida identification card issued under s. 322.051.

3. Has been provided information relating to Social Security Insurance benefits if the child is eligible for these benefits. If the child has received these benefits and they are being held in trust for the child, a full accounting of those funds must be provided and the child must be informed about how to access those funds.

4. Has been provided with information and training related to budgeting skills, interviewing skills, and parenting skills.

5. Has been provided with all relevant information related to the Road-to-Independence Program ~~Scholarship~~, including, but not limited to, eligibility requirements, forms necessary to apply, and assistance in completing the forms. The child shall also be informed that, if he or she is eligible for the Road-to-Independence ~~Scholarship~~ Program, he or she may reside with the licensed foster family or group care provider with whom the child was residing at the time of attaining his or her 18th birthday or may reside in another licensed foster home or with a group care provider arranged by the department.

6. Has an open bank account, or has identification necessary to open an account, and has been provided with essential banking skills.

7. Has been provided with information on public assistance and how to apply.

8. Has been provided a clear understanding of where he or she will be living on his or her 18th birthday, how living expenses will be paid, and what educational program or school he or she will be enrolled in.

9. Has been provided with notice of the youth's right to petition for the court's continuing jurisdiction for 1 year after the youth's 18th birthday as specified in s. 39.013(2) and with information on how to obtain access to the court.

10. Has been encouraged to attend all judicial review hearings occurring after his or her 17th birthday.

Section 4. Paragraph (c) of subsection (2) of section 1009.25, Florida Statutes, is amended to read:

1009.25 Fee exemptions.--

(2) The following students are exempt from the payment of tuition and fees, including lab fees, at a school district that provides postsecondary career programs, community college, or state university:

(c) A student who the state has determined is eligible for the Road-to-Independence Program ~~Scholarship~~, regardless of whether an award is issued or not, or a student who is or was at the time he or she reached 18 years of age in the custody of a relative under s. 39.5085, or who is adopted from the Department of Children and Family Services after May 5, 1997. Such exemption includes fees associated with enrollment in career-preparatory instruction and completion of the college-level communication and computation skills testing program. Such an exemption is available to any student who was in the custody of a relative under s. 39.5085 at the time he or she reached 18 years of age or was adopted from the Department of Children and Family Services after May 5, 1997; however, the exemption remains valid for no more than 4 years after the date of graduation from high school.

Section 5. Section 743.045, Florida Statutes, is created to read:

743.045 Removal of disabilities of minors; executing contracts for a residential lease.--For the sole purpose of ensuring that youth in foster care will be able to execute a contract for the lease of residential property in order that the youth may move into the leased residential property on the day of the youth's 18th birthday, the disability of nonage of minors is removed for all youth who have reached the age of 17 years, who have been adjudicated dependent, and who are in the legal custody of the Department of Children and Family Services through foster care or subsidized independent living. These youth are authorized to make and execute contracts, releases, and all other instruments necessary for the purpose of entering into a contract for the lease of residential property upon the youth's 18th birthday. The contracts or other instruments made by the youth shall have the same effect as though they were the obligations of persons who were not minors. Youth seeking to enter into such lease contracts or execute other necessary instruments that are incidental to entering into a lease must present an order from a court of competent jurisdiction removing the disabilities of nonage of the minor under this section.

Section 6. Subsection (4) of section 409.903, Florida Statutes, is amended to read:

409.903 Mandatory payments for eligible persons.--The agency shall make payments for medical assistance and related services on behalf of the following persons who the department, or the Social Security Administration by contract with the Department of Children and Family Services, determines to be eligible, subject to the income, assets, and categorical eligibility tests set forth in federal and state law. Payment on behalf of these Medicaid eligible persons is subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216.

(4) A child who is eligible under Title IV-E of the Social Security Act for subsidized board payments, foster care, or adoption subsidies, and a child for whom the state has assumed temporary or permanent responsibility and who does not qualify for Title IV-E assistance but is in foster care, shelter or emergency shelter care, or subsidized adoption. This category includes any young adult who is eligible to receive services under s. 409.1451(5), until the young adult reaches the age of 20, without regard to any income, resource, or categorical eligibility test that is otherwise required. This category also includes a person who, as a child ~~who~~ was eligible under Title IV-E of the Social Security Act for foster care or the state-provided foster care, ~~who exited foster care due to attaining the age of 18 years,~~ and who is a participant in the ~~has been awarded a~~ Road-to-Independence Program ~~Scholarship~~.

Section 7. The sum of $2,802,522 of recurring funds is appropriated from the General Revenue Fund and the sum of $3,994,766 of recurring funds is appropriated from the Medical Care Trust Fund to the Agency for Health Care Administration for the purpose of expanding medical assistance payments to young adults, until the young adult reaches the age of 20, during the 2006-2007 fiscal year.

Section 8. This act shall take effect July 1, 2006.

======== T I T L E A M E N D M E N T ========

And the title is amended as follows:

Delete everything before the enacting clause

and insert:

A bill to be entitled

An act relating to independent living transition services; amending s. 409.1451, F.S.; revising eligibility requirements for certain young adults; revising duties of the Department of Children and Family Services regarding independent living transition services; including additional parties in the

review of a child's academic performance; requiring the department or a community-based care lead agency under contract with the department to develop a plan for delivery of such services; revising provisions governing life skills services; requiring that the department or provider work with the child to develop a joint transition plan; requiring judicial review of the plan; requiring additional aftercare support services; providing additional qualifications to receive an award under the Road-to-Independence Program; deleting certain time restrictions for submitting applications; providing procedures for the payment of awards; requiring a community-based care lead agency to develop a plan for purchase and delivery of such services and requiring department approval prior to implementation; requiring the department to submit a report annually to the Legislature on performance, oversight, and rule development; permitting the Independent Living Services Advisory Council to have access to certain data held by the department and certain agencies; amending ss. 39.013 and 1009.25, F.S.; conforming references to changes made by the act; amending s. 39.701, F.S.; requiring the court to issue an order, separate from any other judicial review order, that the disabilities of nonage of the youth have been removed from the youth in foster care; creating s. 743.045, F.S.; removing the disability of nonage for certain youth in the legal custody of the Department of Children and Family Services who are in foster care to enable the youth to execute a contract for the lease of residential property in order that the youth may move into the leased residential property on the day of the youth's 18th birthday; providing specified eligibility criteria; providing for the validity of the contracts; requiring the youth to present an order from a court of competent jurisdiction removing the disability of nonage; amending s. 409.903, F.S.; providing eligibility criteria for certain persons for medical assistance payments; providing an appropriation; providing an effective date.

On motion by Rep. Galvano, the House refused to concur in Senate Amendment 1 and requested the Senate to recede therefrom. The action, together with the bill and amendment thereto, was immediately certified to the Senate.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7031, with amendments, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 7031—A bill to be entitled An act relating to the Department of State; amending s. 265.285, F.S.; clarifying terms of appointment to the Florida Arts Council; removing obsolete language; amending s. 265.606, F.S.; deleting a requirement for local sponsoring organizations to submit an annual postaudit to the Division of Cultural Affairs under certain circumstances; providing for deposit of the state's matching share of cultural endowment to the Florida Fine Arts Trust Fund rather than reversion to the General Revenue Fund; requiring that authority to disburse funds is subject to notice and review procedures; providing for reversion of funds to the General Revenue Fund under certain circumstances; amending s. 267.174, F.S.; changing the dates for the first meeting of the Discovery of Florida Quincentennial Commemoration Commission, the completion of the initial draft of a specified master plan, and the submission of the completed master plan; amending s. 272.129, F.S.; transferring responsibility for the Florida Historic Capitol from the Department of State to the Legislature; providing for allocation of certain space for preservation, museum, and cultural programs of the Legislature; requiring the maintenance of the Florida Historic Capitol pursuant to certain historic preservation standards and guidelines; removing responsibility of the Department of Management Services for security of the Historic Capitol and adjacent grounds; amending s. 272.135, F.S.; requiring the Capitol Curator to be appointed by the President of the Senate and the Speaker of the House of Representatives; deleting rulemaking authority of the Department of State to conform; amending s. 607.193, F.S.; correcting references to repealed sections of Florida Statutes within provisions relating to the annual supplemental corporate fee imposed on each business entity authorized to transact business in this state; amending s. 257.05, F.S.; requiring that each state official, agency, board, and court provide to the Division of Library and Information Services of the Department of State an annual list of public documents issued by the official, agency, board, or court; amending s. 283.31, F.S.; defining the term "publication" for purposes of a requirement that an executive agency maintain records of certain publication costs; amending s. 283.55, F.S.; revising the form used by each state agency for the purpose of purging publication mailing lists; providing an effective date.

(Amendment Bar Code: 381986)

Senate Amendment 1 (with title amendment)—On page 4, line 89, through
page 6, line 136, delete those lines

and insert:

Section 2. Subsections (4) and (5) of section 265.606, Florida Statutes, are amended to read:

265.606 Cultural Endowment Program; administration; qualifying criteria; matching fund program levels; distribution.--

(4) Once the secretary has determined that the sponsoring organization has complied with the criteria imposed by this section, he or she may authorize the transfer of the appropriate state matching funds to the organization. However, the secretary shall ensure that the local group has made prudent arrangements for the trusteeship of the entire endowment, and such trusteeship is hereby created. The sponsoring organization may then expend moneys in the endowment program fund, subject to the following requirements:

(a) The organization may expend funds only for operating costs incurred while engaged in programs directly related to cultural activities.

(b) The organization shall annually submit a report to the division, in such form as the division specifies, explaining how endowment program funds were utilized.

~~(c) Any contract administered under this section shall require the local sponsoring organization to submit to the division an annual postaudit of its financial accounts conducted by an independent certified public accountant.~~

(5) The $240,000 state matching fund endowment for each individual endowment shall revert to the General Revenue Fund if any of the following events occurs:

(a) The recipient sponsoring organization is no longer able to manage an endowment ~~ceases operations~~.

(b) The recipient sponsoring organization files for protection under federal bankruptcy provisions.

(c) The recipient sponsoring organization willfully expends a portion of the endowment principal of any individual endowment.

======== T I T L E A M E N D M E N T ========

And the title is amended as follows:

On page 1, lines 8-14, delete those lines

and insert:
circumstances; amending s. 267.174, F.S.; changing

(Amendment Bar Code: 162770)

Senate Amendment 2 (with title amendment)—On page 2, line 49,

insert:

Section 1. Paragraph (n) of subsection (1) of section 101.56062, Florida Statutes, is amended to read:

101.56062 Standards for accessible voting systems.--

(1) Notwithstanding anything in this chapter to the contrary, each voting system certified by the Department of State for use in local, state, and federal elections must include the capability to install accessible voter interface devices in the system configuration which will allow the system to meet the following minimum standards:

(n) Any audio ballot must provide the voter with the following functionalities:

1. After the initial instructions that the system requires election officials to provide to each voter, the voter should be able to independently operate the voter interface through the final step of casting a ballot without assistance.

2. The voter must be able to determine the races that he or she is allowed to vote in and to determine which candidates are available in each race.

3. The voter must be able to determine how many candidates may be selected in each race.

4. The voter must be able to have confidence that the physical or vocal inputs given to the system have selected the candidates that he or she intended to select.

5. The voter must be able to review the candidate selections that he or she has made.

6. Prior to the act of casting the ballot, the voter must be able to change any selections previously made and confirm a new selection.

7. The system must communicate to the voter the fact that the voter has failed to vote in a race or has failed to vote the number of allowable candidates in any race and require the voter to confirm his or her intent to undervote before casting the ballot.

8. The system must prevent the voter from overvoting any race.

9. The voter must be able to input a candidate's name in each race that allows a write-in candidate.

10. The voter must be able to review his or her write-in input to the interface, edit that input, and confirm that the edits meet the voter's intent.

11. There must be a clear, identifiable action that the voter takes to "cast" the ballot. The system must make clear to the voter how to take this action so that the voter has minimal risk of taking the action accidentally but, when the voter intends to cast the ballot, the action can be easily performed.

12. Once the ballot is cast, the system must confirm to the voter that the action has occurred and that the voter's process of voting is complete.

13. Once the ballot is cast, the system must preclude the voter from modifying the ballot cast or voting or casting another ballot.

The functionalities required in this paragraph for certification may be satisfied by either the voting device or by the entire voting system.

(Redesignate subsequent sections.)

======== T I T L E A M E N D M E N T ========

And the title is amended as follows:

On page 1, line 2, after the semicolon

insert:

amending s. 101.56062, F.S.; prescribing methods of satisfying required functionalities with respect to audio ballot systems;

On motion by Rep. Detert, the House concurred in Senate Amendments 1 and 2.

The question recurred on the passage of HB 7031. The vote was:

Session Vote Sequence: 1195

Speaker Bense in the Chair.

Yeas—116

Adams	Bense	Clarke	Flores
Allen	Benson	Coley	Galvano
Altman	Berfield	Cretul	Gannon
Ambler	Bilirakis	Culp	Garcia
Anderson	Bogdanoff	Cusack	Gardiner
Antone	Bowen	Davis, D.	Gelber
Arza	Brown	Davis, M.	Gibson, A.
Attkisson	Brummer	Dean	Gibson, H.
Ausley	Brutus	Detert	Glorioso
Barreiro	Bucher	Domino	Goldstein
Baxley	Bullard	Evers	Goodlette
Bean	Cannon	Farkas	Gottlieb
Bendross-Mindingall	Carroll	Fields	Grant
Greenstein	Kyle	Pickens	Sands
Grimsley	Legg	Planas	Sansom
Harrell	Littlefield	Poppell	Seiler
Hasner	Llorente	Porth	Simmons
Hays	Lopez-Cantera	Proctor	Slosberg
Henriquez	Machek	Quinones	Smith
Holloway	Mahon	Reagan	Sobel
Homan	Mayfield	Rice	Sorensen
Hukill	McInvale	Richardson	Stansel
Jennings	Meadows	Rivera	Stargel
Johnson	Mealor	Robaina	Traviesa
Jordan	Murzin	Roberson	Troutman
Joyner	Needelman	Ross	Vana
Kottkamp	Negron	Rubio	Waters
Kravitz	Patterson	Russell	Williams
Kreegel	Peterman	Ryan	Zapata

Nays—None

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

Recessed

The House stood in an informal recess at 5:16 p.m., to reconvene upon call of the Chair.

Reconvened

The House was called to order by the Speaker at 5:18 p.m.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 135, with amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 135—A bill to be entitled An act relating to charter schools; creating s. 1002.335, F.S.; providing findings and intent; establishing the Florida Schools of Excellence Commission as a charter school authorizing entity; providing for startup funds; providing for membership of the commission; providing powers and duties of the commission, including serving as a sponsor of charter schools, approving certain entities to act as cosponsors, approving or denying applications for Florida Schools of Excellence (FSE) charter schools, and developing standards for and evaluating the performance of cosponsors and charter schools; requiring collaboration with municipalities, state universities, community colleges, and regional educational consortia as cosponsors for FSE charter schools; providing chartering authority; prescribing procedures under which a district school board may become the exclusive authority to authorize charter schools within a school district; providing for challenges to grants of exclusive authority; prescribing conditions to be considered by the State Board of Education in determining whether to grant exclusive authority; providing requirements for approval of cosponsors by the commission; providing components of required cosponsor agreements; providing causes for revocation of approval of a cosponsor; providing for FSE charter school application and review procedures; authorizing existing charter schools to apply as FSE charter schools; providing for application of specified provisions of law; requiring access to information by parents; requiring the commission to submit an annual report; requiring rulemaking; amending s. 1002.33, F.S.; providing that the sponsor of a charter school shall not be liable for civil damages for certain actions; providing that the duty to monitor a charter school shall not be the basis for a private cause of action; prescribing limits on immunities of a charter school sponsor; providing requirements with respect to the right to appeal the denial of a charter school application; expanding a school district's immunity from assumption of contractual debts; revising provisions relating to reporting of charter school student enrollment for purposes of funding; providing appropriations and authorizing positions; providing an effective date.

(Amendment Bar Code: 205440)

Senate Amendment 1 (with title amendment)—On lines 619-633, delete those lines and redesignate subsequent section.

======== T I T L E A M E N D M E N T ========
And the title is amended as follows:
On line 42, delete that line.

On motion by Rep. Greenstein, the House concurred in Senate Amendment 1.

The question recurred on the passage of HB 135. The vote was:

Session Vote Sequence: 1196

Speaker Bense in the Chair.

Yeas—89

Adams	Coley	Hasner	Planas
Allen	Cretul	Hays	Poppell
Altman	Culp	Homan	Quinones
Ambler	Cusack	Johnson	Reagan
Anderson	Davis, D.	Jordan	Rice
Antone	Davis, M.	Kottkamp	Rivera
Arza	Dean	Kravitz	Robaina
Attkisson	Detert	Kreegel	Ross
Ausley	Domino	Kyle	Rubio
Barreiro	Evers	Legg	Russell
Baxley	Farkas	Littlefield	Sansom
Bean	Flores	Llorente	Simmons
Bense	Galvano	Lopez-Cantera	Sorensen
Benson	Garcia	Mahon	Stansel
Berfield	Gardiner	Mayfield	Stargel
Bilirakis	Gibson, H.	McInvale	Traviesa
Bogdanoff	Glorioso	Meadows	Troutman
Bowen	Goldstein	Mealor	Waters
Brown	Goodlette	Murzin	Williams
Brummer	Grant	Needelman	Zapata
Cannon	Greenstein	Negron	
Carroll	Grimsley	Patterson	
Clarke	Harrell	Pickens	

Nays—25

Bendross-Mindingall	Gibson, A.	Peterman	Slosberg
Brutus	Gottlieb	Porth	Smith
Bucher	Holloway	Proctor	Sobel
Bullard	Hukill	Richardson	Vana
Fields	Jennings	Roberson	
Gannon	Joyner	Sands	
Gelber	Machek	Seiler	

Votes after roll call:
Nays—Ryan
Yeas to Nays—Cusack

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7119, with amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 7119—A bill to be entitled An act relating to interscholastic athletics; requiring the Florida High School Athletic Association to hold certain bylaws in abeyance; providing for creation of a task force to review student athlete recruiting issues; providing for task force membership and duties; requiring recommendations to the Governor and the Legislature; requiring the Office of Program Policy Analysis and Government Accountability to conduct a review of recruiting violations by Florida High School Athletic Association member schools; providing an appropriation; amending s. 1006.20, F.S.; requiring the Florida High School Athletic Association to facilitate a 1-year drug testing program to randomly test for anabolic steroid use by students in grades 9 through 12 who participate in postseason competition in football, baseball, girls' softball, and weightlifting in its member schools; requiring schools to consent to the provisions of the program as a prerequisite for membership in the organization; requiring the organization to establish procedures for the conduct of the program, including contracting with a testing agency to administer the program; providing that the finding of a drug test shall be separate from a student's educational records; providing for disclosure; requiring students and their parents to consent to the provisions of the program as a prerequisite for eligibility to participate in interscholastic athletics; providing penalties for students selected for testing who fail to provide a specimen; requiring the administration of a school to meet with a student who tests positive and his or her parent to review the finding, penalties, and procedure for challenge and appeal; providing penalties for positive findings; providing due process procedures for challenge and appeal; requiring the organization to provide a report to the Legislature on the results of the program; providing an exemption from civil liability resulting from implementation of the program; requiring the Department of Legal Affairs to provide defense in claims of civil liability; requiring program expenses to be paid through legislative appropriation; providing for expiration of the program; providing an effective date.

(Amendment Bar Code: 400650)

Senate Amendment 1 (with title amendment)—Lines 111-279, delete those lines and redesignate subsequent sections.

======== T I T L E A M E N D M E N T ========
Lines 12-42, delete those lines and insert:
providing an effective date.

On motion by Rep. Murzin, the House concurred in Senate Amendment 1.

The question recurred on the passage of HB 7119. The vote was:

Session Vote Sequence: 1197

Speaker Bense in the Chair.

Yeas—108

Adams	Cretul	Homan	Porth
Allen	Culp	Hukill	Proctor
Altman	Davis, D.	Jennings	Quinones
Ambler	Davis, M.	Johnson	Reagan
Anderson	Dean	Jordan	Rice
Antone	Detert	Joyner	Rivera
Arza	Domino	Kottkamp	Robaina
Attkisson	Evers	Kravitz	Roberson
Ausley	Farkas	Kreegel	Ross
Barreiro	Fields	Legg	Rubio
Baxley	Flores	Littlefield	Russell
Bean	Galvano	Llorente	Sands
Bense	Gannon	Lopez-Cantera	Sansom
Benson	Garcia	Machek	Seiler
Berfield	Gardiner	Mahon	Simmons
Bilirakis	Gelber	Mayfield	Slosberg
Bogdanoff	Gibson, H.	McInvale	Smith
Bowen	Glorioso	Meadows	Sobel
Brown	Goldstein	Mealor	Sorensen
Brummer	Gottlieb	Murzin	Stansel
Brutus	Grant	Needelman	Stargel
Bucher	Greenstein	Negron	Traviesa
Bullard	Grimsley	Patterson	Troutman
Cannon	Harrell	Peterman	Vana
Carroll	Hasner	Pickens	Waters
Clarke	Hays	Planas	Williams
Coley	Holloway	Poppell	Zapata

Nays—None

Votes after roll call:
Yeas—Bendross-Mindingall, Cusack, Gibson, A., Goodlette, Kyle, Ryan

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

Remarks

The Speaker recognized Rep. Negron, who gave brief farewell remarks.

Messages from the Senate

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7121, with amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 7121—A bill to be entitled An act relating to disaster preparedness response and recovery; providing legislative findings with respect to the coordination of emergency response capabilities; directing the Division of Emergency Management to conduct a feasibility study relating to the supply and distribution of essential commodities by nongovernmental and private entities; creating s. 526.143, F.S.; providing that each motor fuel terminal facility and wholesaler that sells motor fuel in the state must be capable of operating its distribution loading racks using an alternate generated power source for a specified period by a certain date; providing requirements with respect to the operation of such equipment following a major disaster; providing requirements with respect to the installation of specified components; requiring specified documentation; requiring newly constructed or substantially renovated motor fuel retail outlets to be capable of operation using an alternate generated power source; defining "substantially renovated"; providing requirements with respect to required documentation; requiring certain motor fuel retail outlets located within a specified distance from an interstate highway or state or federally designated evacuation route to be capable of operation using an alternate generated power source by a specified date; providing requirements with respect to the installation of specified components; requiring specified documentation; providing applicability; creating s. 526.144, F.S.; creating the Florida Disaster Motor Fuel Supplier Program within the Department of Community Affairs; providing that participation in the program shall be at the option of each county; providing for administration of the program; providing purpose of the program; providing requirements for and authority of retail motor fuel outlets doing business in participating counties that choose to become members of the program; providing a restriction on nonparticipating motor fuel retail outlets; authorizing counties that choose to participate in the program to charge a fee to cover specified costs; providing for deposit of such fees; providing procedures and requirements with respect to operation under the program; providing that the regulation of and requirements for the siting and placement of an alternate power source and any related equipment at motor fuel terminal facilities, wholesalers, and retail sales outlets shall be exclusively controlled by the state; providing for review of the program; providing a report; amending s. 501.160, F.S.; providing that the prohibition against the rental or sale of essential commodities during a declared state of emergency at unconscionable prices shall remain in effect for a specified period of time; providing for renewal thereof; amending s. 553.509, F.S., relating to requirements with respect to vertical accessibility under pt. II of ch. 553, F.S., the "Florida Americans With Disabilities Accessibility Implementation Act"; requiring specified existing and newly constructed residential multifamily dwellings to have at least one public elevator that is capable of operating on an alternate power source for emergency purposes; providing requirements with respect to the alternate power source; providing for verification of compliance by specified dates; providing requirements with respect to emergency operations plans and inspection records; providing requirements with respect to compliance with the act for specified multistory affordable residential dwellings; requiring the development of an evacuation plan for such a dwelling in the absence of compliance with the act; providing additional inspection requirements under ch. 399, F.S., the "Elevator Safety Act"; amending s. 252.35, F.S.; expanding the duty of the Division of Emergency Management to conduct a public educational campaign on emergency preparedness issues; providing an additional duty of the division with respect to educational outreach concerning disaster preparedness; requiring the Division of Emergency Management to complete and maintain specified inventories of emergency generators; providing legislative findings with respect to minimum criteria for county emergency operations centers; specifying criteria for county emergency operations centers; providing priority and restrictions for funding; providing an appropriation to the Department of Community Affairs to establish a competitive award process; providing an appropriation to the Department of Community Affairs for logistical improvements and technology; providing uses of appropriated funds; providing an appropriation to the Department of Community Affairs to update regional hurricane evacuation plans; providing for use of appropriated funds; providing that the procurement of technologies with appropriated funds is subject to competitive bid requirements; providing an appropriation to the Department of Community Affairs to conduct a feasibility study; providing an appropriation to the Department of Community Affairs for the Division of Emergency Management's public awareness campaign; providing severability; providing an effective date.

(Amendment Bar Code: 103574)

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause

and insert:

Section 1. The Legislature finds that there is a compelling need for improvements in infrastructure, as identified during the 2004 and 2005 hurricane seasons, in order to better protect the residents of this state. Based on the criteria specified in this section, the Legislature shall make funds available to local and state agencies through appropriations to the Department of Community Affairs for the purpose of enhancing public education and information, constructing or improving county emergency operations centers and designated alternate state emergency operations centers, providing emergency power for public special-needs hurricane evacuation shelters, retrofitting public hurricane evacuation shelters, improving logistical staging and warehouse capacity for commodities, and planning for hurricane evacuations. The criteria in this section shall be considered by the Legislature in determining eligibility for funding.

(1)(a) The Legislature finds that county emergency operations centers and designated alternate state emergency operations centers should meet minimum criteria for structural survivability and sufficiency of operational space, as determined by assessments performed by the Department of Community Affairs using the structural requirements of American Red Cross Standard ARC 4496, "Guidelines for Hurricane Evacuation Shelter Selection," and based on guidance from the Federal Emergency Management Agency. Criteria for prioritizing and recommending the funding for county emergency operations centers and designated alternate state emergency operations centers include, but are not limited to, county population, hurricane evacuation clearance time for the vulnerable population of the county, structural survivability of the existing emergency operations center, and guidance of the Federal Emergency Management Agency for workspace requirements for the emergency operations center. First priority for funding recommendations shall be for county emergency operations centers or designated alternate state emergency operations centers where no survivable facility exists and where workspace deficits exist. Funding recommendations made pursuant to this paragraph may not include land acquisition; the purchase of equipment, furnishings, communications, or operational systems; or recurring expenditures. Funding recommendations must be limited to the construction or structural renovation of the county emergency operations center or designated alternate state emergency operations centers needed to meet the same structural requirements of American Red Cross Standard ARC 4496,

"Guidelines for Hurricane Evacuation Shelter Selection," and national workspace recommendations. The Department of Community Affairs shall establish a statewide competitive grant application process for proposals to construct or improve county emergency operations centers such that those centers would, upon completion of the project, meet minimum criteria as specified in this section. The application may contain one or more independent proposals for:

1. A construction or improvement project requesting state financial assistance or having received state financial assistance which also includes facility hardening or mitigation and which qualifies for funding under the federal Hazard Mitigation Grant Program. These proposals must document the commitment of all local funds needed and identify the proposed state and federal funding needed, based on the funding criteria specified in this paragraph, to complete the project for a fully operational county emergency operations center or designated alternate state emergency operations center.

2. A construction or improvement project to be funded with local or other nonstate funds which includes facility hardening or mitigation and which qualifies for funding under the federal Hazard Mitigation Grant Program. These proposals must document the commitment of all local funds needed and identify the proposed federal funding needed, based on the funding criteria in this paragraph, to complete the project for a fully operational county emergency operations center or a designated alternate state emergency operations center.

(b) The department shall prioritize all properly submitted project applications based on minimum criteria as specified in this section, local government participation, and documented need. In reviewing proposals, the department must take into consideration all state funds already provided for the project which have not been expended but which will decrease the project's fiscal need once expended. The amount of a project's cost recommended for funding by the department shall be limited to those costs considered reasonably necessary to meet minimum criteria specified in this section. The release of any funds specifically appropriated to implement this subsection must be approved by the Legislative Budget Commission. Upon completion of the prioritization process, and no later than November 1, 2006, the department shall submit to the Legislative Budget Commission for approval a comprehensive funding proposal for the construction of and improvements to county emergency operations centers and designated alternate state emergency operations centers using appropriated funds. The proposal submitted to the Legislative Budget Commission must include a detailed identification of the project and the corresponding detailed local, state, and federal funding proposed for each project. In order to ensure the maximum use of federal funds that are available for the Hazard Mitigation Grant Program, any federal funds appropriated to implement this subsection which remain after fully allocating those funds to proposals under subparagraphs 1. and 2. may be used to fund proposals for retrofitting hurricane evacuation shelters under subsection (3). Any federal funds appropriated to implement this paragraph which remain after fully allocating those funds for proposals under subparagraphs 1. and 2. and subsection (3) shall be appropriated for distribution pursuant to chapter 9G-22, Florida Administrative Code. The Executive Office of the Governor may submit a budget amendment to transfer those funds in accordance with chapter 216, Florida Statutes.

(2) The Legislature finds that by June 1, 2007, all designated public special-needs hurricane evacuation shelters should be equipped with permanent emergency power generating capacity in order to provide electrical power for necessary medical equipment for persons housed in the shelter and for heating, ventilating, and air-conditioning the facility. An appropriation for equipping a public special-needs hurricane evacuation shelter with permanent emergency power generating capacity may also be used in coordination with local communities in order to increase the number of special-needs shelter spaces that are available and to ensure that a sufficient number of public special-needs shelters are designated to meet the anticipated demand based on the best available data as determined jointly by the Department of Community Affairs and the Department of Health.

(3) The Legislature finds that retrofitting public hurricane evacuation shelters is an efficient and economical method of accelerating the state and local efforts to reduce the deficit in shelter space. Criteria for assessing and prioritizing the funding needs for retrofitting public hurricane evacuation shelters include, but are not limited to, the project's ability to meet the structural and siting requirements of American Red Cross Standard ARC 4496, "Guidelines for Hurricane Evacuation Shelter Selection," once completed; the shelter needs of the local government as well as the overall needs of the hurricane evacuation planning region; the cost-effectiveness of the project in terms of the number of public hurricane evacuation spaces; and the priority ranking of the proposed project in the applicable local mitigation strategy. The Department of Community Affairs shall establish a statewide competitive grant application process for retrofitting public hurricane evacuation shelters to meet the minimum criteria specified in this section. In reviewing proposals, the department shall consider all state funds already provided for the project which have not been expended but which will decrease the project's fiscal need once expended. The department shall prioritize all properly submitted project applications based on criteria specified in this section and documented need. The release of any funds specifically appropriated to implement this subsection must be approved by the Legislative Budget Commission. Upon completion of the prioritization process, and no later than November 1, 2006, the department shall recommend funding for retrofitting public hurricane evacuation shelters to the Legislative Budget Commission for approval. In order to ensure maximum use of federal funds available for the Hazard Mitigation Grant Program, any federal funds appropriated to implement this subsection which are remaining after fully allocating those funds to proposals under this subsection shall be appropriated for distribution pursuant to chapter 9G-22, Florida Administrative Code. The Executive Office of the Governor may submit a budget amendment to transfer those funds in accordance with the provisions of chapter 216, Florida Statutes.

(4) The Legislature finds that improved logistical staging and warehouse capacity for commodities will help ensure that adequate supplies, equipment, and commodities are available and accessible for purposes of responding to disasters. Appropriated funds may be used for increasing storage capacity; improving technologies to manage commodities; and enhancing the state's ability to maintain in a safe and secure manner an inventory of supplies, equipment, and commodities that would be needed in the immediate aftermath of a disaster. The release of any funds specifically appropriated to implement this subsection must be approved by the Legislative Budget Commission. The department shall submit a funding plan for improved logistical staging and warehouse capacity to the Legislative Budget Commission for approval by September 1, 2006. Procurement of technologies to perform inventory tracking and commodities management must comply with the provisions of s. 287.057, Florida Statutes, requiring competitive bids.

(5) The Legislature finds that hurricane evacuation planning is a critical task that must be completed in the most effective and efficient manner possible. Appropriated funds may be used to update current regional evacuation plans and shall incorporate current transportation networks, behavioral studies, and vulnerability studies. In addition, funds may be used to perform computer-modeling analysis on the effects of storm-surge events. Procurement of technologies to perform the updates and computer modeling must comply with the provisions s. 287.057, Florida Statutes, requiring competitive bids.

Section 2. The sum of $13.2 million in fixed capital outlay is appropriated from the General Revenue Fund and the sum of $39.6 million is appropriated from the U.S. Contributions Trust Fund to the Department of Community Affairs for the purpose of implementing the provisions of this act relating to providing emergency power generators in special-needs shelters during the 2006-2007 state fiscal year. The Department of Community Affairs may not use more than 5 percent of these funds to administer the funding provided.

Section 3. The sum of $15 million in fixed capital outlay is appropriated from the U.S. Contributions Trust Fund to the Department of Community Affairs for the purpose of implementing the provisions of this act relating to retrofitting public hurricane evacuation shelters during the 2006-2007 state fiscal year. The Department of Community Affairs may not use more than 5 percent of these funds to administer the funding provided.

Section 4. The sum of $29 million is appropriated from the U.S. Contributions Trust Fund to the Department of Community Affairs for the

purpose of implementing the provisions of this act relating to hurricane evacuation planning during the 2006-2007 state fiscal year. The Department of Community Affairs may not use more than 5 percent of these funds to administer the funding provided.

Section 5. The sum of $2.1 million in recurring funds is appropriated from the General Revenue Fund and the sum of $4.4 million is appropriated from the Emergency Management Preparedness and Assistance Trust Fund to the Department of Community Affairs for the 2006-2007 state fiscal year. Notwithstanding s. 252.373, Florida Statutes, these funds may be used to implement the provisions of this act relating to improved logistical staging and warehouse capacity for commodities.

Section 6. The sum of $20 million in fixed capital outlay is appropriated from the General Revenue Fund and the sum of $25 million is appropriated from the U.S. Contributions Trust Fund to the Department of Community Affairs for the purpose of implementing the provisions of this act relating to county emergency operations centers and designated alternate state emergency operations centers during the 2006-2007 state fiscal year. The Department of Community Affairs may not use more than 5 percent of these funds to administer the funding provided.

Section 7. The sum of $3.4 million is appropriated from the U.S. Contributions Trust Fund to the Department of Community Affairs for the purpose of implementing the provisions of this act relating to enhanced public education and information on hurricane preparedness during the 2006-2007 state fiscal year.

Section 8. The Legislature finds that there is a compelling need to better coordinate emergency response capabilities among local, state, federal, nongovernment, and private sector partners to provide the best and most effective postdisaster services to the people of the State of Florida. In order to encourage the rapid recovery of economies in disaster affected areas, the Legislature finds that programs to restore normal commerce in communities should be a part of the State Comprehensive Emergency Management Plan. The Legislature recognizes nongovernment agencies and the private sector as key partners in disaster preparedness, response, and recovery. Further, the Legislature recognizes the demonstrated abilities and contributions of these entities in successfully providing logistical support and commodities through well-proven distribution systems. In order to enhance the State Comprehensive Plan, the Division of Emergency Management within the Department of Community Affairs is directed to conduct a feasibility study on incorporating into the state's emergency management plan the logistical supply and distribution of essential commodities by nongovernment agencies and private entities. In conducting the study, the division shall consult with the Florida Retail Federation, the Florida Petroleum Council, the Florida Petroleum Marketers and Convenience Store Association, the Florida Emergency Preparedness Association, the American Red Cross, Volunteer Florida, and other entities as appropriate. As part of the study, the division shall create a set of operational standards that may be adopted by retail establishments to qualify for preemption from local government regulations in response to a disaster. No later than February 1, 2007, the division shall make recommendations based on the study to the Governor, the President of the Senate, and the Speaker of the House of Representatives, and shall provide a set of operational standards for retail establishments which are recognized as part of the state emergency management plan. These standards must be met in order for retail establishments to participate in the state emergency response to a disaster and to qualify for preemption of regulation of such businesses to the state during such a response.

Section 9. Effective July 1, 2006, section 526.143, Florida Statutes, is created to read:

526.143 Alternate generated power capacity for motor fuel dispensing facilities.--

(1) By June 1, 2007, each motor fuel terminal facility, as defined in s. 526.303(16), and each wholesaler, as defined in s. 526.303(17), which sells motor fuel in this state must be capable of operating its distribution loading racks using an alternate generated power source for a minimum of 72 hours. Pending a postdisaster examination of the equipment by the operator to determine any extenuating damage that would render it unsafe to use, the facility must have such alternate generated power source available for operation no later than 36 hours after a major disaster as defined in s. 252.34. Installation of appropriate wiring, including a transfer switch, shall be performed by a certified electrical contractor. Each business that is subject to this subsection must keep a copy of the documentation of such installation on site or at its corporate headquarters. In addition, each business must keep a written statement attesting to the periodic testing and ensured operational capacity of the equipment. The required documents must be made available, upon request, to the Division of Emergency Management and the director of the county emergency management agency.

(2) Each newly constructed or substantially renovated motor fuel retail outlet, as defined in s. 526.303(14), for which a certificate of occupancy is issued on or after July 1, 2006, shall be prewired with an appropriate transfer switch, and capable of operating all fuel pumps, dispensing equipment, life-safety systems, and payment-acceptance equipment using an alternate generated power source. As used in this subsection, the term "substantially renovated" means a renovation that results in an increase of greater than 50 percent in the assessed value of the motor fuel retail outlet. Local building inspectors shall include this equipment and operations check in the normal inspection process before issuing a certificate of occupancy. Each retail outlet that is subject to this subsection must keep a copy of the certificate of occupancy on site or at its corporate headquarters. In addition, each retail outlet must keep a written statement attesting to the periodic testing of and ensured operational capability of the equipment. The required documents must be made available, upon request, to the Division of Emergency Management and the director of the county emergency management agency.

(3)(a) No later than June 1, 2007, each motor fuel retail outlet described in subparagraph 1., subparagraph 2., or subparagraph 3., which is located within one-half mile proximate to an interstate highway or state or federally designated evacuation route must be prewired with an appropriate transfer switch and be capable of operating all fuel pumps, dispensing equipment, life-safety systems, and payment-acceptance equipment using an alternate generated power source:

1. A motor fuel retail outlet located in a county having a population of 300,000 or more which has 16 or more fueling positions.

2. A motor fuel retail outlet located in a county having a population of 100,000 or more, but fewer than 300,000, which has 12 or more fueling positions.

3. A motor fuel retail outlet located in a county having a population of fewer than 100,000 which has eight or more fueling positions.

(b) Installation of appropriate wiring and transfer switches must be performed by a certified electrical contractor. Each retail outlet that is subject to this subsection must keep a copy of the documentation of such installation on site or at its corporate headquarters. In addition, each retail outlet must keep a written statement attesting to the periodic testing of and ensured operational capacity of the equipment. The required documents must be made available, upon request, to the Division of Emergency Management and the director of the county emergency management agency.

(4)(a) Subsections (2) and (3) apply to any self-service, full-service, or combination self-service and full-service motor fuel retail outlet regardless of whether the retail outlet is located on the grounds of, or is owned by, another retail business establishment that does not engage in the business of selling motor fuel.

(b) Subsections (2) and (3) do not apply to:

1. An automobile dealer;

2. A person who operates a fleet of motor vehicles;

3. A person who sells motor fuel exclusively to a fleet of motor vehicles; or

4. A motor fuel retail outlet that has a written agreement with a public hospital, in a form approved by the Division of Emergency Management, wherein the public hospital agrees to provide the motor fuel retail outlet with an alternative means of power generation onsite so that the outlet's fuel pumps may be operated in the event of a power outage.

(5)(a) Each corporation or other entity that owns 10 or more motor fuel retail outlets located within a single county shall maintain at least one portable generator that is capable of providing an alternate generated power source as required under subsection (2) for every 10 outlets. If an entity owns more than 10 outlets or a multiple of 10 outlets plus an additional six outlets, the entity must provide one additional generator to accommodate such additional outlets. Each portable generator must be stored within this state, or may be

stored in another state if located within 250 miles of this state, and must be available for use in an affected location within 24 hours after a disaster.

(b) Each corporation or other entity that owns 10 or more motor fuel retail outlets located within a single domestic security region, as determined pursuant to s. 943.0312(1), and that does not own additional outlets located outside the domestic security region shall maintain a written document of agreement with one or more similarly equipped entities for the use of portable generators that may be used to meet the requirements of paragraph (a) and that are located within this state but outside the affected domestic security region. The agreement may be reciprocal, may allow for payment for services rendered by the providing entity, and must guarantee the availability of the portable generators to an affected location within 24 hours after a disaster.

(c) For purposes of this section, ownership of a motor fuel retail outlet shall be the owner of record of the fuel storage systems operating at the location, as identified in the Department of Environmental Protection underground storage facilities registry pursuant to s. 376.303(1).

Section 10. Effective July 1, 2006, section 526.144, Florida Statutes, is created to read:

526.144 Florida Disaster Motor Fuel Supplier Program.--

(1)(a) There is created the Florida Disaster Motor Fuel Supplier Program within the Department of Community Affairs.

(b) Participation in the program shall be at the option of each county governing body. In counties choosing to participate in the program, the local emergency management agency shall be primarily responsible for administering the program within those counties. Nothing in this section requires participation in the program.

(c) In participating counties, the Florida Disaster Motor Fuel Supplier Program shall allow any retail motor fuel outlet doing business in those counties to participate in a network of emergency responders to provide fuel supplies and services to government agencies, medical institutions and facilities, critical infrastructure, and other responders, as well as the general public, during a declared disaster as described in s. 252.36(2).

(d) Retail motor fuel outlets doing business in participating counties that choose to become members of the Florida Disaster Motor Fuel Supplier Program must be able to demonstrate the capability to provide onsite fuel dispensing services to other members of the State Emergency Response Team within 24 hours after a major disaster has occurred and agree to make such service available as needed. Local emergency management agencies may determine appropriate measures for determining such readiness, including acceptance of a written attestation from the retail motor fuel outlet, a copy of an executed contract for services, or other documents or activities that demonstrate readiness. Participating retail motor fuel outlets may choose to sell motor fuel through a pre-existing contract with local, state, or federal response agencies or may provide point-of-sale service to such agencies. In addition, participating retail motor fuel outlets may choose to sell motor fuel to the general public upon compliance with requirements to provide service under ss. 252.35 and 252.38 as directed by county or state emergency management officials. This section does not preclude any retail motor fuel outlet from selling fuel during lawful operating hours. Nonparticipating motor fuel retail outlets may not operate during declared curfew hours. If requested, appropriate law enforcement or security personnel may be provided through emergency management protocol to the participating business for the purpose of maintaining civil order during operating hours.

(e) Motor fuel outlets that choose to participate in the Florida Disaster Motor Fuel Supplier Program pursuant to paragraph (d) may be issued a State Emergency Response Team logo by the participating county emergency management agency for public display to alert emergency responders and the public that the business is capable of assisting in an emergency.

(f) Counties that choose to participate in the Florida Disaster Motor Fuel Supplier Program may charge a fee to cover the actual costs of accepting a retail motor fuel outlet into the program, including the cost of performing any required review, filing of necessary forms, and producing logo decals for public display. Additional charges may not be imposed for processing individual documents associated with the program. Funds collected shall be deposited into an appropriate county operating account.

(3) Persons who are designated as members of the State Emergency Response Team and who can produce appropriate identification, as determined by state or county emergency management officials, shall be given priority for purchasing fuel at businesses designated as members of the State Emergency Response Team. A business may be directed by county or state emergency management officials to remain open during a declared curfew in order to provide service for emergency personnel. Under such direction, the business is not in violation of the curfew and may not be penalized for such operation and the emergency personnel are not in violation of the curfew. A person traveling during a curfew must be able to produce valid official documentation of his or her position with the State Emergency Response Team or the local emergency management agency. Such documentation may include, but need not be limited to, a current SERT identification badge, current law enforcement or other response agency identification or shield, current health care employee identification card, or current government services identification card indicating a critical services position.

(4) A business that is designated as a member of the State Emergency Response Team may request priority in receiving a resupply of fuel in order to continue service to emergency responders. Such request is not binding but shall be considered by emergency management officials in determining appropriate response actions.

(5)(a) Notwithstanding any other law or local ordinance and for the purpose of ensuring an appropriate emergency management response following major disasters in this state, the regulation, siting, and placement of alternate power source capabilities and equipment at motor fuel terminal facilities, motor fuel wholesalers, and motor fuel retail sales outlets are preempted to the state.

(b) Notwithstanding any other law or other ordinance and for the purpose of ensuring an appropriate emergency management response following major disasters in this state, the regulation of all other retail establishments participating in such response shall be as follows:

1. Regulation of retail establishments that meet the standards created by the Division of Emergency Management in the report required in section 8 of this act by July 1, 2007, is preempted to the state and until such standards are adopted, the regulation of these retail establishments is preempted to the state;

2. The division shall provide written certification of such preemption to retail establishments that qualify and shall provide such information to local governments upon request; and

3. Regulation of retail establishments that do not meet the operational standards is subject to local government laws or ordinances.

(6) The Energy Office of the Department of Environmental Protection shall review situational progress in post-disaster motor fuel supply distribution and provide a report to the Legislature by March 1, 2007. The report must include information concerning statewide compliance with s. 526.143, Florida Statutes, and an identification of all motor fuel retail outlets that are participating in the Florida Disaster Motor Fuel Supplier Program.

Section 11. Effective July 1, 2006, subsection (2) of section 501.160, Florida Statutes, is amended to read:

501.160 Rental or sale of essential commodities during a declared state of emergency; prohibition against unconscionable prices.--

(2) Upon a declaration of a state of emergency by the Governor, it is unlawful and a violation of s. 501.204 for a person or her or his agent or employee to rent or sell or offer to rent or sell at an unconscionable price within the area for which the state of emergency is declared, any essential commodity including, but not limited to, supplies, services, provisions, or equipment that is necessary for consumption or use as a direct result of the emergency. This prohibition is effective not to exceed 60 days under the initial declared state of emergency as defined in s. 252.36(2) and shall be renewed by statement in any subsequent renewals of the declared state of emergency by the Governor ~~remains in effect until the declaration expires or is terminated~~.

Section 12. Effective July 1, 2006, section 553.509, Florida Statutes, is amended to read:

553.509 Vertical accessibility.--

(1) Nothing in sections 553.501-553.513 or the guidelines shall be construed to relieve the owner of any building, structure, or facility governed

by those sections from the duty to provide vertical accessibility to all levels above and below the occupiable grade level, regardless of whether the guidelines require an elevator to be installed in such building, structure, or facility, except for:

(a)~~(1)~~ Elevator pits, elevator penthouses, mechanical rooms, piping or equipment catwalks, and automobile lubrication and maintenance pits and platforms;

(b)~~(2)~~ Unoccupiable spaces, such as rooms, enclosed spaces, and storage spaces that are not designed for human occupancy, for public accommodations, or for work areas; and

(c)~~(3)~~ Occupiable spaces and rooms that are not open to the public and that house no more than five persons, including, but not limited to, equipment control rooms and projection booths.

(2)(a) Any person, firm, or corporation that owns, manages, or operates a residential multifamily dwelling, including a condominium, that is at least 75 feet high and contains a public elevator, as described in s. 399.035(2) and (3) and rules adopted by the Florida Building Commission, shall have at least one public elevator that is capable of operating on an alternate power source for emergency purposes. Alternate power shall be available for the purpose of allowing all residents access for a specified number of hours each day over a 5-day period following a natural disaster, manmade disaster, emergency, or other civil disturbance that disrupts the normal supply of electricity. The alternate power source that controls elevator operations must also be capable of powering any connected fire alarm system in the building.

(b) At a minimum, the elevator must be appropriately pre-wired and prepared to accept an alternate power source and must have a connection on the line side of the main disconnect, pursuant to National Electric Code Handbook, Article 700. In addition to the required power source for the elevator and connected fire alarm system in the building, the alternate power supply must be sufficient to provide emergency lighting to the interior lobbies, hallways, and other portions of the building used by the public. Residential multifamily dwellings must have an available generator and fuel source on the property or have proof of a current contract posted in the elevator machine room or other place conspicuous to the elevator inspector affirming a current guaranteed service contract for such equipment and fuel source to operate the elevator on an on-call basis within 24 hours after a request. By December 31, 2006, any person, firm or corporation that owns, manages or operates a residential multifamily dwelling as defined in paragraph (2)(a) must provide to the local building inspection agency verification of engineering plans for residential multifamily dwellings that provide for the capability to generate power by alternate means. Compliance with installation requirements and operational capability requirements must be verified by local building inspectors and reported to the county emergency management agency by December 31, 2007.

(c) Each newly constructed residential multifamily dwelling, including a condominium, that is at least 75 feet high and contains a public elevator, as described in s. 399.035(2) and (3) and rules adopted by the Florida Building Commission, must have at least one public elevator that is capable of operating on an alternate power source for the purpose of allowing all residents access for a specified number of hours each day over a 5-day period following a natural disaster, manmade disaster, emergency, or other civil disturbance that disrupts the normal supply of electricity. The alternate power source that controls elevator operations must be capable of powering any connected fire alarm system in the building. In addition to the required power source for the elevator and connected fire alarm system, the alternate power supply must be sufficient to provide emergency lighting to the interior lobbies, hallways, and other portions of the building used by the public. Engineering plans and verification of operational capability must be provided by the local building inspector to the county emergency management agency before occupancy of the newly constructed building.

(d) Each person, firm, or corporation that is required to maintain an alternate power source under this subsection shall maintain a written emergency operations plan that details the sequence of operations before, during, and after a natural or manmade disaster or other emergency situation. The plan must include, at a minimum, a life safety plan for evacuation, maintenance of the electrical and lighting supply, and provisions for the health, safety, and welfare of the residents. In addition, the owner, manager, or operator of the residential multifamily dwelling must keep written records of any contracts for alternative power generation equipment. Also, quarterly inspection records of life safety equipment and alternate power generation equipment must be posted in the elevator machine room or other place conspicuous to the elevator inspector, which confirm that such equipment is properly maintained and in good working condition, and copies of contracts for alternate power generation equipment shall be maintained on site for verification. The written emergency operations plan and inspection records shall also be open for periodic inspection by local and state government agencies as deemed necessary. The owner or operator must keep a generator key in a lockbox posted at or near any installed generator unit.

(e) Multistory affordable residential dwellings for persons age 62 and older that are financed or insured by the United States Department of Housing and Urban Development must make every effort to obtain grant funding from the Federal Government or the Florida Housing Finance Corporation to comply with this subsection. If an owner of such a residential dwelling cannot comply with the requirements of this subsection, the owner must develop a plan with the local emergency management agency to ensure that residents are evacuated to a place of safety in the event of a power outage resulting from a natural or manmade disaster or other emergency situation that disrupts the normal supply of electricity for an extended period of time. A place of safety may include, but is not limited to, relocation to an alternative site within the building or evacuation to a local shelter.

(f) As a part of the annual elevator inspection required under s. 399.061, certified elevator inspectors shall confirm that all installed generators required by this chapter are in working order, have current inspection records posted in the elevator machine room or other place conspicuous to the elevator inspector, and that the required generator key is present in the lockbox posted at or near the installed generator. If a building does not have an installed generator, the inspector shall confirm that the appropriate pre-wiring and switching capabilities are present and that a statement is posted in the elevator machine room or other place conspicuous to the elevator inspector affirming a current guaranteed contract exists for contingent services for alternate power is current for the operating period.

However, buildings, structures, and facilities must, as a minimum, comply with the requirements in the Americans with Disabilities Act Accessibility Guidelines.

Section 13. Effective July 1, 2006, paragraph (i) of subsection (2) of section 252.35, Florida Statutes, is amended, present paragraphs (j) through (q) of that subsection are redesignated as paragraphs (k) through (r), respectively, present paragraphs (r) through (v) of that subsection are redesignated as paragraphs (u) through (y), respectively, and new paragraphs (j), (s), and (t) are added to that subsection to read:

252.35 Emergency management powers; Division of Emergency Management.--

(2) The division is responsible for carrying out the provisions of ss. 252.31-252.90. In performing its duties under ss. 252.31-252.90, the division shall:

(i) Institute statewide public awareness programs. This shall include an intensive public educational campaign on emergency preparedness issues, including, but not limited to, the personal responsibility of individual citizens to be self-sufficient for up to 72 hours following a natural or manmade disaster. The public educational campaign shall include relevant information on statewide disaster plans, evacuation routes, fuel suppliers, and shelters. All educational materials must be available in alternative formats and mediums to ensure that they are available to persons with disabilities.

(j) The Division of Emergency Management and the Department of Education shall coordinate with the Agency For Persons with Disabilities to provide an educational outreach program on disaster preparedness and readiness to individuals who have limited English skills and identify persons who are in need of assistance but are not defined under special-needs criteria.

(s) By January 1, 2007, the Division of Emergency Management shall complete an inventory of portable generators owned by the state and local governments which are capable of operating during a major disaster. The inventory must identify, at a minimum, the location of each generator, the number of generators stored at each specific location, the agency to which

each the generator belongs, the primary use of the generator by the owner agency, and the names, addresses, and telephone numbers of persons having the authority to loan the stored generators as authorized by the Division of Emergency Management during a declared emergency.

(t) The division shall maintain an inventory list of generators owned by the state and local governments. In addition, the division may keep a list of private entities, along with appropriate contact information, which offer generators for sale or lease. The list of private entities shall be available to the public for inspection in written and electronic formats.

Section 14. There is appropriated $76,150 in nonrecurring general revenue funds to the Department of Community Affairs for a study on the feasibility of incorporating nongovernment agencies and private entities into the logistical supply and distribution system for essential commodities. This section takes effect July 1, 2006.

Section 15. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 16. Effective July 1, 2006, section 252.355, Florida Statutes, is amended to read:

252.355 Registry of persons with special needs; notice.--

(1) In order to meet the special needs of persons who would need assistance during evacuations and sheltering because of physical, mental, cognitive impairment, or sensory disabilities, each local emergency management agency in the state shall maintain a registry of persons with special needs located within the jurisdiction of the local agency. The registration shall identify those persons in need of assistance and plan for resource allocation to meet those identified needs. To assist the local emergency management agency in identifying such persons, home health agencies, hospices, nurse registries, home medical equipment providers, the Department of Children and Family Services, Department of Health, Agency for Health Care Administration, Department of Education, Agency for Persons with Disabilities, ~~Labor and Employment Security~~, and Department of Elderly Affairs shall provide registration information to all of their special needs clients and to all persons with special needs who receive services ~~incoming clients as a part of the intake process~~. The registry shall be updated annually. The registration program shall give persons with special needs the option of preauthorizing emergency response personnel to enter their homes during search and rescue operations if necessary to assure their safety and welfare following disasters.

(2) The Department of Community Affairs shall be the designated lead agency responsible for community education and outreach to the public, including special needs clients, regarding registration and special needs shelters and general information regarding shelter stays.

(3) A person with special needs must be allowed to bring his or her service animal into a special needs shelter in accordance with s. 413.08.

(4)(a)~~(2)~~ On or before May 31 ~~May 1~~ of each year each electric utility in the state shall annually notify residential customers in its service area of the availability of the registration program available through their local emergency management agency by:~~.~~

1. An initial notification upon the activation of new residential service with the electric utility, followed by one annual notification between January 1 and May 31; or

2. Two separate annual notifications between January 1 and May 31.

(b) The notification may be made by any available means, including, but not limited to, written, electronic, or verbal notification, and may be made concurrently with any other notification to residential customers required by law or rule.

(5)~~(3)~~ All records, data, information, correspondence, and communications relating to the registration of persons with special needs as provided in subsection (1) are confidential and exempt from the provisions of s. 119.07(1), except that such information shall be available to other emergency response agencies, as determined by the local emergency management director. Local law enforcement agencies shall be given complete shelter roster information upon request.

(6)~~(4)~~ All appropriate agencies and community-based service providers, including home health care providers, hospices, nurse registries, and home medical equipment providers, shall assist emergency management agencies by collecting registration information for persons with special needs as part of program intake processes, establishing programs to increase the awareness of the registration process, and educating clients about the procedures that may be necessary for their safety during disasters. Clients of state or federally funded service programs with physical, mental, cognitive impairment, or sensory disabilities who need assistance in evacuating, or when in shelters, must register as persons with special needs.

Section 17. Effective July 1, 2006, section 252.3568, Florida Statutes, is created to read:

252.3568 Emergency sheltering of persons with pets.--In accordance with s. 252.35, the division shall address strategies for the evacuation of persons with pets in the shelter component of the state comprehensive emergency management plan and shall include the requirement for similar strategies in its standards and requirements for local comprehensive emergency management plans. The Department of Agriculture and Consumer Services shall assist the division in determining strategies regarding this activity.

Section 18. Effective July 1, 2006, section 252.357, Florida Statutes, is created to read:

252.357 Monitoring of nursing homes and assisted living facilities during disaster.--The Florida Comprehensive Emergency Management Plan shall permit the Agency for Health Care Administration, working from the agency's offices or in the Emergency Operations Center, ESF-8, to make initial contact with each nursing home and assisted living facility in the disaster area. The agency, by July 15, 2006, and annually thereafter, shall publish on the Internet an emergency telephone number that may be used by nursing homes and assisted living facilities to contact the agency on a schedule established by the agency to report requests for assistance. The agency may also provide the telephone number to each facility when it makes the initial facility call.

Section 19. Effective July 1, 2006, subsections (2) and (4) of section 252.385, Florida Statutes, are amended to read:

252.385 Public shelter space.--

(2)(a) The division shall administer a program to survey existing schools, universities, community colleges, and other state-owned, municipally owned, and county-owned public buildings and any private facility that the owner, in writing, agrees to provide for use as a public hurricane evacuation shelter to identify those that are appropriately designed and located to serve as such shelters. The owners of the facilities must be given the opportunity to participate in the surveys. The state university boards of trustees ~~Board of Regents~~, district school boards, community college boards of trustees, and the Department of Education are responsible for coordinating and implementing the survey of public schools, universities, and community colleges with the division or the local emergency management agency.

(b) By January 31 of each even-numbered year, the division shall prepare and submit a statewide emergency shelter plan to the Governor and Cabinet for approval, subject to the requirements for approval in s. 1013.37(2). The plan shall identify the general location and square footage of special needs shelters, by regional planning council region, during the next 5 years. The plan shall also include information on the availability of shelters that accept pets. The Department of Health shall assist the division in determining the estimated need for special needs shelter space and the adequacy of facilities to meet the needs of persons with special needs based on information from the registries of persons with special needs and other information.

(4)(a) Public facilities, including schools, postsecondary education facilities, and other facilities owned or leased by the state or local governments, but excluding hospitals, hospice care facilities, assisted living facilities, and ~~or~~ nursing homes, which are suitable for use as public hurricane evacuation shelters shall be made available at the request of the local emergency management agencies. The local emergency management agency shall coordinate with these entities to ensure that designated facilities are ready to activate prior to a specific hurricane or disaster. Such agencies shall coordinate with the appropriate school board, university, community college, or local governing board when requesting the use of such facilities as public hurricane evacuation shelters.

(b) The Department of Management Services shall incorporate provisions for the use of suitable leased public facilities as public hurricane evacuation

shelters into lease agreements for state agencies. Suitable leased public facilities include leased public facilities that are solely occupied by state agencies and have at least 2,000 square feet of net floor area in a single room or in a combination of rooms having a minimum of 400 square feet in each room. The net square footage of floor area shall ~~must~~ be determined by subtracting from the gross square footage the square footage of spaces such as mechanical and electrical rooms, storage rooms, open corridors, restrooms, kitchens, science or computer laboratories, shop or mechanical areas, administrative offices, records vaults, and crawl spaces.

(c) The Department of Management Services shall, in consultation with local and state emergency management agencies, assess Department of Management Services facilities to identify the extent to which each facility has public hurricane evacuation shelter space. The Department of Management Services shall submit proposed facility retrofit projects that incorporate hurricane protection enhancements to the department for assessment and inclusion in the annual report prepared in accordance with subsection (3).

Section 20. Effective July 1, 2006, section 381.0303, Florida Statutes, is amended to read:

(Substantial rewording of section. See
s. 381.0303, F.S., for present text.)

381.0303 Special needs shelters.--

(1) PURPOSE.--The purpose of this section is to provide for the operation and closure of special needs shelters and to designate the Department of Health, through its county health departments, as the lead agency for coordination of the recruitment of health care practitioners, as defined in s. 456.001(4), to staff special needs shelters in times of emergency or disaster and to provide resources to the department to carry out this responsibility. However, nothing in this section prohibits a county health department from entering into an agreement with a local emergency management agency to assume the lead responsibility for recruiting health care practitioners.

(2) SPECIAL NEEDS SHELTER PLAN; STAFFING; STATE AGENCY ASSISTANCE.--If funds have been appropriated to support disaster coordinator positions in county health departments:

(a) The department shall assume lead responsibility for the coordination of local medical and health care providers, the American Red Cross, and other interested parties in developing a plan for the staffing and medical management of special needs shelters. The local Children's Medical Services offices shall assume lead responsibility for the coordination of local medical and health care providers, the American Red Cross, and other interested parties in developing a plan for the staffing and medical management of pediatric special needs shelters. Plans must conform to the local comprehensive emergency management plan.

(b) County health departments shall, in conjunction with the local emergency management agencies, have the lead responsibility for coordination of the recruitment of health care practitioners to staff local special needs shelters. County health departments shall assign their employees to work in special needs shelters when those employees are needed to protect the health and safety of persons with special needs. County governments shall assist the department with nonmedical staffing and the operation of special needs shelters. The local health department and emergency management agency shall coordinate these efforts to ensure appropriate staffing in special needs shelters.

(c) The appropriate county health department, Children's Medical Services office, and local emergency management agency shall jointly decide who has responsibility for medical supervision in each special needs shelter.

(d) Local emergency management agencies shall be responsible for the designation and operation of special needs shelters during times of emergency or disaster and the closure of the facilities following an emergency or disaster. The local health department and emergency management agency shall coordinate these efforts to ensure the appropriate designation and operation of special needs shelters. County health departments shall assist the local emergency management agency with regard to the management of medical services in special needs shelters.

(e) The Secretary of Elderly Affairs, or his or her designee, shall convene, at any time that he or she deems appropriate and necessary, a multiagency special needs shelter discharge planning team to assist local areas that are severely impacted by a natural or manmade disaster that requires the use of special needs shelters. Multiagency special needs shelter discharge planning teams shall provide assistance to local emergency management agencies with the continued operation or closure of the shelters, as well as with the discharge of special needs clients to alternate facilities if necessary. Local emergency management agencies may request the assistance of a multiagency special needs shelter discharge planning team by alerting statewide emergency management officials of the necessity for additional assistance in their area. The Secretary of Elderly Affairs is encouraged to proactively work with other state agencies prior to any natural disasters for which warnings are provided to ensure that multiagency special needs shelter discharge planning teams are ready to assemble and deploy rapidly upon a determination by state emergency management officials that a disaster area requires additional assistance. The Secretary of Elderly Affairs may call upon any state agency or office to provide staff to assist a multiagency special needs shelter discharge planning team. Unless the secretary determines that the nature or circumstances surrounding the disaster do not warrant participation from a particular agency's staff, each multiagency special needs shelter discharge planning team shall include at least one representative from each of the following state agencies:

1. Department of Elderly Affairs.
2. Department of Health.
3. Department of Children and Family Services.
4. Department of Veterans' Affairs.
5. Department of Community Affairs.
6. Agency for Health Care Administration.
7. Agency for Persons with Disabilities.

(3) REIMBURSEMENT TO HEALTH CARE PRACTITIONERS AND FACILITIES.--

(a) The department shall, upon request, reimburse in accordance with paragraph (b):

1. Health care practitioners, as defined in s. 456.001, provided the practitioner is not providing care to a patient under an existing contract, and emergency medical technicians and paramedics licensed under chapter 401 for medical care provided at the request of the department in special needs shelters or at other locations during times of emergency or a declared disaster. Reimbursement for health care practitioners, except for physicians licensed under chapter 458 or chapter 459, shall be based on the average hourly rate that such practitioners were paid according to the most recent survey of Florida hospitals conducted by the Florida Hospital Association or other nationally recognized or state-recognized data source.

2. Health care facilities, such as hospitals, nursing homes, assisted living facilities, and community residential homes, if, upon closure of a special needs shelter, a multiagency special needs shelter discharge planning team determines that it is necessary to discharge persons with special needs to other health care facilities. The receiving facilities are eligible for reimbursement for services provided to the individuals for up to 90 days. A facility must show proof of a written request from a representative of an agency serving on the multiagency special needs shelter discharge planning team that the individual for whom the facility is seeking reimbursement for services rendered was referred to that facility from a special needs shelter. The department shall specify by rule which expenses are reimbursable and the rate of reimbursement for each service.

(b) Reimbursement is subject to the availability of federal funds and shall be requested on forms prepared by the department. If a Presidential Disaster Declaration has been issued, the department shall request federal reimbursement of eligible expenditures. The department may not provide reimbursement to facilities under this subsection for services provided to a person with special needs if, during the period of time in which the services were provided, the individual was enrolled in another state-funded program, such as Medicaid or another similar program, was covered under a policy of health insurance as defined in s. 624.603, or was a member of a health maintenance organization or prepaid health clinic as defined in chapter 641, which would otherwise pay for the same services. Travel expense and per diem costs shall be reimbursed pursuant to s. 112.061.

(4) HEALTH CARE PRACTITIONER REGISTRY.--The department may use the registries established in ss. 401.273 and 456.38 when health care

practitioners are needed to staff special needs shelters or to assist with other disaster-related activities.

(5) SPECIAL NEEDS SHELTER INTERAGENCY COMMITTEE.--The Secretary of Health may establish a special needs shelter interagency committee and serve as, or appoint a designee to serve as, the committee's chair. The department shall provide any necessary staff and resources to support the committee in the performance of its duties. The committee shall address and resolve problems related to special needs shelters not addressed in the state comprehensive emergency medical plan and shall consult on the planning and operation of special needs shelters.

(a) The committee shall:

1. Develop, negotiate, and regularly review any necessary interagency agreements.

2. Undertake other such activities as the department deems necessary to facilitate the implementation of this section.

3. Submit recommendations to the Legislature as necessary.

(b) The special needs shelter interagency committee shall be composed of representatives of emergency management, health, medical, and social services organizations. Membership shall include, but shall not be limited to, representatives of the Departments of Health, Community Affairs, Children and Family Services, Elderly Affairs, and Education; the Agency for Health Care Administration; the Florida Medical Association; the Florida Osteopathic Medical Association; Associated Home Health Industries of Florida, Inc.; the Florida Nurses Association; the Florida Health Care Association; the Florida Assisted Living Affiliation; the Florida Hospital Association; the Florida Statutory Teaching Hospital Council; the Florida Association of Homes for the Aging; the Florida Emergency Preparedness Association; the American Red Cross; Florida Hospices and Palliative Care, Inc.; the Association of Community Hospitals and Health Systems; the Florida Association of Health Maintenance Organizations; the Florida League of Health Systems; the Private Care Association; the Salvation Army; the Florida Association of Aging Services Providers; the AARP; and the Florida Renal Coalition.

(c) Meetings of the committee shall be held in Tallahassee, and members of the committee shall serve at the expense of the agencies or organizations they represent. The committee shall make every effort to use teleconference or video conference capabilities in order to ensure statewide input and participation.

(6) RULES.--The department has the authority to adopt rules necessary to implement this section. Rules shall include:

(a) The definition of a "person with special needs," including eligibility criteria for individuals with physical, mental, cognitive impairment, or sensory disabilities and the services a person with special needs can expect to receive in a special needs shelter.

(b) The process for special needs shelter health care practitioners and facility reimbursement for services provided in a disaster.

(c) Guidelines for special needs shelter staffing levels to provide services.

(d) The definition of and standards for special needs shelter supplies and equipment, including durable medical equipment.

(e) Standards for the special needs shelter registration process, including guidelines for addressing the needs of unregistered persons in need of a special needs shelter.

(f) Standards for addressing the needs of families where only one dependent is eligible for admission to a special needs shelter and the needs of adults with special needs who are caregivers for individuals without special needs.

(g) The requirement of the county health departments to seek the participation of hospitals, nursing homes, assisted living facilities, home health agencies, hospice providers, nurse registries, home medical equipment providers, dialysis centers, and other health and medical emergency preparedness stakeholders in pre-event planning activities.

(7) EMERGENCY MANAGEMENT PLANS.--The submission of emergency management plans to county health departments by home health agencies, nurse registries, hospice programs, and home medical equipment providers is conditional upon receipt of an appropriation by the department to establish disaster coordinator positions in county health departments unless the secretary of the department and a local county commission jointly determine to require that such plans be submitted based on a determination that there is a special need to protect public health in the local area during an emergency.

Section 21. Effective July 1, 2006, section 400.492, Florida Statutes, is amended to read:

400.492 Provision of services during an emergency.--Each home health agency shall prepare and maintain a comprehensive emergency management plan that is consistent with the standards adopted by national or state accreditation organizations and consistent with the local special needs plan. The plan shall be updated annually and shall provide for continuing home health services during an emergency that interrupts patient care or services in the patient's home. The plan shall include the means by which the home health agency will continue to provide staff to perform the same type and quantity of services to their patients who evacuate to special needs shelters that were being provided to those patients prior to evacuation. The plan shall describe how the home health agency establishes and maintains an effective response to emergencies and disasters, including: notifying staff when emergency response measures are initiated; providing for communication between staff members, county health departments, and local emergency management agencies, including a backup system; identifying resources necessary to continue essential care or services or referrals to other organizations subject to written agreement; and prioritizing and contacting patients who need continued care or services.

(1) Each patient record for patients who are listed in the registry established pursuant to s. 252.355 shall include a description of how care or services will be continued in the event of an emergency or disaster. The home health agency shall discuss the emergency provisions with the patient and the patient's caregivers, including where and how the patient is to evacuate, procedures for notifying the home health agency in the event that the patient evacuates to a location other than the shelter identified in the patient record, and a list of medications and equipment which must either accompany the patient or will be needed by the patient in the event of an evacuation.

(2) Each home health agency shall maintain a current prioritized list of patients who need continued services during an emergency. The list shall indicate how services shall be continued in the event of an emergency or disaster for each patient and if the patient is to be transported to a special needs shelter, and shall indicate if the patient is receiving skilled nursing services and the patient's medication and equipment needs. The list shall be furnished to county health departments and to local emergency management agencies, upon request.

(3) Home health agencies shall not be required to continue to provide care to patients in emergency situations that are beyond their control and that make it impossible to provide services, such as when roads are impassable or when patients do not go to the location specified in their patient records. Home health agencies may establish links to local emergency operations centers to determine a mechanism by which to approach specific areas within a disaster area in order for the agency to reach its clients. Home health agencies shall demonstrate a good faith effort to comply with the requirements of this subsection by documenting attempts of staff to follow procedures outlined in the home health agency's comprehensive emergency management plan, and by the patient's record, which support a finding that the provision of continuing care has been attempted for those patients who have been identified as needing care by the home health agency and registered under s. 252.355, in the event of an emergency or disaster under subsection (1).

(4) Notwithstanding the provisions of s. 400.464(2) or any other provision of law to the contrary, a home health agency may provide services in a special needs shelter located in any county.

Section 22. Effective July 1, 2006, subsection (8) of section 400.497, Florida Statutes, is amended to read:

400.497 Rules establishing minimum standards.--The agency shall adopt, publish, and enforce rules to implement this part, including, as applicable, ss. 400.506 and 400.509, which must provide reasonable and fair minimum standards relating to:

(8) Preparation of a comprehensive emergency management plan pursuant to s. 400.492.

(a) The Agency for Health Care Administration shall adopt rules establishing minimum criteria for the plan and plan updates, with the

concurrence of the Department of Health and in consultation with the Department of Community Affairs.

(b) The rules must address the requirements in s. 400.492. In addition, the rules shall provide for the maintenance of patient-specific medication lists that can accompany patients who are transported from their homes.

(c) The plan is subject to review and approval by the county health department. During its review, the county health department shall contact state and local health and medical stakeholder when necessary. ~~ensure that the following agencies, at a minimum, are given the opportunity to review the plan:~~

~~1. The local emergency management agency.~~

~~2. The Agency for Health Care Administration.~~

~~3. The local chapter of the American Red Cross or other lead sheltering agency.~~

~~4. The district office of the Department of Children and Family Services.~~

The county health department shall complete its review to ensure that the plan is in accordance with the criteria in the Agency for Health Care Administration rules within 90 ~~60~~ days after receipt of the plan and shall ~~either~~ approve the plan or advise the home health agency of necessary revisions. If the home health agency fails to submit a plan or fails to submit the requested information or revisions to the county health department within 30 days after written notification from the county health department, the county health department shall notify the Agency for Health Care Administration. The agency shall notify the home health agency that its failure constitutes a deficiency, subject to a fine of $5,000 per occurrence. If the plan is not submitted, information is not provided, or revisions are not made as requested, the agency may impose the fine.

(d) For any home health agency that operates in more than one county, the Department of Health shall review the plan, after consulting with state and local health and medical stakeholders when necessary ~~all of the county health departments, the agency, and all the local chapters of the American Red Cross or other lead sheltering agencies in the areas of operation for that particular home health agency~~. The department ~~of Health~~ shall complete its review within 90 days after receipt of the plan and shall ~~either~~ approve the plan or advise the home health agency of necessary revisions. The department ~~of Health~~ shall make every effort to avoid imposing differing requirements on a home health agency that operates in more than one county as a result of differing or conflicting comprehensive plan requirements of the ~~based on differences between~~ counties in which ~~on~~ the home health agency operates.

(e) The requirements in this subsection do not apply to:

1. A facility that is certified under chapter 651 and has a licensed home health agency used exclusively by residents of the facility; or

2. A retirement community that consists of residential units for independent living and either a licensed nursing home or an assisted living facility, and has a licensed home health agency used exclusively by the residents of the retirement community, provided the comprehensive emergency management plan for the facility or retirement community provides for continuous care of all residents with special needs during an emergency.

Section 23. Effective July 1, 2006, subsection (16) of section 400.506, Florida Statutes, is amended to read:

400.506 Licensure of nurse registries; requirements; penalties.--

(16) Each nurse registry shall prepare and maintain a comprehensive emergency management plan that is consistent with the criteria in this subsection and with the local special needs plan. The plan shall be updated annually. The plan shall include the means by which the nurse registry will continue to provide the same type and quantity of services to its patients who evacuate to special needs shelters which were being provided to those patients prior to evacuation. The plan shall specify how the nurse registry shall facilitate the provision of continuous care by persons referred for contract to persons who are registered pursuant to s. 252.355 during an emergency that interrupts the provision of care or services in private residencies. Nurse registries may establish links to local emergency operations centers to determine a mechanism by which to approach specific areas within a disaster area in order for a provider to reach its clients. Nurse registries shall demonstrate a good-faith effort to comply with the requirements of this subsection by documenting attempts of staff to follow procedures outlined in the nurse registry's comprehensive emergency management plan which support a finding that the provision of continuing care has been attempted for patients identified as needing care by the nurse registry and registered under s. 252.355 in the event of an emergency under s. 400.506(1).

(a) All persons referred for contract who care for persons registered pursuant to s. 252.355 must include in the patient record a description of how care will be continued during a disaster or emergency that interrupts the provision of care in the patient's home. It shall be the responsibility of the person referred for contract to ensure that continuous care is provided.

(b) Each nurse registry shall maintain a current prioritized list of patients in private residences who are registered pursuant to s. 252.355 and are under the care of persons referred for contract and who need continued services during an emergency. This list shall indicate, for each patient, if the client is to be transported to a special needs shelter and if the patient is receiving skilled nursing services. Nurse registries shall make this list available to county health departments and to local emergency management agencies upon request.

(c) Each person referred for contract who is caring for a patient who is registered pursuant to s. 252.355 shall provide a list of the patient's medication and equipment needs to the nurse registry. Each person referred for contract shall make this information available to county health departments and to local emergency management agencies upon request.

(d) Each person referred for contract shall not be required to continue to provide care to patients in emergency situations that are beyond the person's control and that make it impossible to provide services, such as when roads are impassable or when patients do not go to the location specified in their patient records.

(e) The comprehensive emergency management plan required by this subsection is subject to review and approval by the county health department. During its review, the county health department shall contact state and local health and medical stakeholders when necessary ~~ensure that, at a minimum, the local emergency management agency, the Agency for Health Care Administration, and the local chapter of the American Red Cross or other lead sheltering agency are given the opportunity to review the plan~~. The county health department shall complete its review to ensure that the plan complies with the criteria in the Agency for Health Care Administration rules within 90 ~~60~~ days after receipt of the plan and shall either approve the plan or advise the nurse registry of necessary revisions. If a nurse registry fails to submit a plan or fails to submit requested information or revisions to the county health department within 30 days after written notification from the county health department, the county health department shall notify the Agency for Health Care Administration. The agency shall notify the nurse registry that its failure constitutes a deficiency, subject to a fine of $5,000 per occurrence. If the plan is not submitted, information is not provided, or revisions are not made as requested, the agency may impose the fine.

(f) The Agency for Health Care Administration shall adopt rules establishing minimum criteria for the comprehensive emergency management plan and plan updates required by this subsection, with the concurrence of the Department of Health and in consultation with the Department of Community Affairs.

Section 24. Effective July 1, 2006, subsection (1) of section 400.610, Florida Statutes, is amended to read:

400.610 Administration and management of a hospice.--

(1) A hospice shall have a clearly defined organized governing body, consisting of a minimum of seven persons who are representative of the general population of the community served. The governing body shall have autonomous authority and responsibility for the operation of the hospice and shall meet at least quarterly. The governing body shall:

(a) Adopt an annual plan for the operation of the hospice, which shall include a plan for providing for uncompensated care and philanthropic community activities.

(b)1. Prepare and maintain a comprehensive emergency management plan that provides for continuing hospice services in the event of an emergency that is consistent with local special needs plans. The plan shall include provisions for ensuring continuing care to hospice patients who go to special needs shelters. The plan shall include the means by which the hospice provider will

continue to provide staff to provide the same type and quantity of services to their patients who evacuate to special needs shelters which were being provided to those patients prior to evacuation. The plan is subject to review and approval by the county health department, except as provided in subparagraph 2. During its review, the county health department shall contact state and local health and medical stakeholders when necessary ~~ensure that the department, the agency, and the local chapter of the American Red Cross or other lead sheltering agency have an opportunity to review and comment on the plan~~. The county health department shall complete its review to ensure that the plan complies with criteria in rules of the Department of Elderly Affairs within 90 ~~60~~ days after receipt of the plan and shall either approve the plan or advise the hospice of necessary revisions. Hospice providers may establish links to local emergency operations centers to determine a mechanism by which to approach specific areas within a disaster area in order for the provider to reach its clients. A hospice shall demonstrate a good-faith effort to comply with the requirements of this paragraph by documenting attempts of staff to follow procedures as outlined in the hospice's comprehensive emergency management plan and to provide continuing care for those hospice clients who have been identified as needing alternative caregiver services in the event of an emergency.

2. For any hospice that operates in more than one county, the Department of Health during its review shall contact state and local health and medical stakeholders when necessary ~~review the plan, after consulting with all of the county health departments, the agency, and all the local chapters of the American Red Cross or other lead sheltering agency in the areas of operation for that particular hospice~~. The Department of Health shall complete its review to ensure that the plan complies with criteria in rules of the Department of Elderly Affairs within 90 days after receipt of the plan and shall ~~either~~ approve the plan or advise the hospice of necessary revisions. The Department of Health shall make every effort to avoid imposing ~~on the hospice~~ differing requirements on a hospice that operates in more than one county as a result of differing or conflicting comprehensive plan requirements of the ~~based on differences between~~ counties in which the hospice operates.

(c) Adopt an annual budget.

(d) Appoint a director who shall be responsible for the day-to-day management and operation of the hospice and who shall serve as the liaison between the governing body and the hospice staff.

(e) Undertake such additional activities as necessary to ensure that the hospice is complying with the requirements for hospice services as set forth in this part.

Section 25. Effective July 1, 2006, present subsections (13) through (16) of section 400.925, Florida Statutes, are redesignated as subsections (14) through (17) respectively, and a new subsection (13) is added to that section, to read:

400.925 Definitions.--As used in this part, the term:

(13) "Life-supporting or life-sustaining equipment" means a device that is essential to, or that yields information that is essential to, the restoration or continuation of a bodily function important to the continuation of human life. Life-supporting or life-sustaining equipment includes apnea monitors, enteral feeding pumps, infusion pumps, portable home dialysis equipment, and ventilator equipment and supplies for all related equipment, including oxygen equipment and related respiratory equipment.

Section 26. Effective July 1, 2006, subsections (20), (21), and (22) are added to section 400.934, Florida Statutes, to read:

400.934 Minimum standards.--As a requirement of licensure, home medical equipment providers shall:

(20)(a) Prepare and maintain a comprehensive emergency management plan that meets minimum criteria established by agency rule under s. 400.935. The plan shall be updated annually and shall provide for continuing home medical equipment services for life-supporting or life-sustaining equipment, as defined in s. 400.925, during an emergency that interrupts home medical equipment services in a patient's home. The plan shall include:

1. The means by which the home medical equipment provider will continue to provide equipment to perform the same type and quantity of services to its patients who evacuate to special needs shelters which were being provided to those patients prior to evacuation.

2. The means by which the home medical equipment provider establishes and maintains an effective response to emergencies and disasters, including plans for:

a. Notification of staff when emergency response measures are initiated.

b. Communication between staff members, county health departments, and local emergency management agencies, which includes provisions for a backup communications system.

c. Identification of resources necessary to continue essential care or services or referrals to other organizations subject to written agreement.

d. Contacting and prioritizing patients in need of continued medical equipment services and supplies.

(b) The plan is subject to review and approval by the county health department. During its review, the county health department shall contact state and local health and medical stakeholders when necessary. The county health department shall complete its review to ensure that the plan is in accordance with the criteria in the Agency for Health Care Administration rules within 90 days after receipt of the plan. If a home medical equipment provider fails to submit a plan or fails to submit requested information or revisions to the county health department within 30 days after written notification from the county health department, the county health department shall notify the Agency for Health Care Administration. The agency shall notify the home medical equipment provider that such failure constitutes a deficiency, subject to a fine of $5,000 per occurrence. If the plan is not submitted, information is not provided, or revisions are not made as requested, the agency may impose the fine.

(21) Each home medical equipment provider shall maintain a current prioritized list of patients who need continued services during an emergency. The list shall indicate the means by which services shall be continued for each patient in the event of an emergency or disaster, whether the patient is to be transported to a special needs shelter, and whether the patient has life-supporting or life-sustaining equipment, including the specific type of equipment and related supplies. The list shall be furnished to county health departments and local emergency management agencies upon request.

(22) Home medical equipment providers may establish links to local emergency operations centers to determine a mechanism by which to approach specific areas within a disaster area in order for the provider to reach its patients.

Section 27. Effective July 1, 2006, subsection (11) is added to section 400.935, Florida Statutes, to read:

400.935 Rules establishing minimum standards.--The agency shall adopt, publish, and enforce rules to implement this part, which must provide reasonable and fair minimum standards relating to:

(11) Preparation of the comprehensive emergency management plan under s. 400.934 and the establishment of minimum criteria for the plan, including the maintenance of patient equipment and supply lists that can accompany patients who are transported from their homes. Such rules shall be formulated in consultation with the Department of Health and the Department of Community Affairs.

Section 28. Effective July 1, 2006, section 408.831, Florida Statutes, is amended to read:

408.831 Denial, suspension, or revocation of a license, registration, certificate, or application.--

(1) In addition to any other remedies provided by law, the agency may deny each application or suspend or revoke each license, registration, or certificate of entities regulated or licensed by it:

(a) If the applicant, licensee, registrant, or certificateholder, or, in the case of a corporation, partnership, or other business entity, if any officer, director, agent, or managing employee of that business entity or any affiliated person, partner, or shareholder having an ownership interest equal to 5 percent or greater in that business entity, has failed to pay all outstanding fines, liens, or overpayments assessed by final order of the agency or final order of the Centers for Medicare and Medicaid Services, not subject to further appeal, unless a repayment plan is approved by the agency; or

(b) For failure to comply with any repayment plan.

(2) In reviewing any application requesting a change of ownership or change of the licensee, registrant, or certificateholder, the transferor shall, prior to agency approval of the change, repay or make arrangements to repay

any amounts owed to the agency. Should the transferor fail to repay or make arrangements to repay the amounts owed to the agency, the issuance of a license, registration, or certificate to the transferee shall be delayed until repayment or until arrangements for repayment are made.

(3) An entity subject to this section may exceed its licensed capacity to act as a receiving facility in accordance with an emergency operations plan for clients of evacuating providers from a geographic area where an evacuation order has been issued by a local authority having jurisdiction. While in an overcapacity status, each provider must furnish or arrange for appropriate care and services to all clients. In addition, the agency may approve requests for overcapacity beyond 15 days, which approvals may be based upon satisfactory justification and need as provided by the receiving and sending facilities.

(4)(a) An inactive license may be issued to a licensee subject to this section when the provider is located in a geographic area where a state of emergency was declared by the Governor if the provider:

1. Suffered damage to its operation during that state of emergency.

2. Is currently licensed.

3. Does not have a provisional license.

4. Will be temporarily unable to provide services but is reasonably expected to resume services within 12 months.

(b) An inactive license may be issued for a period not to exceed 12 months but may be renewed by the agency for up to 12 additional months upon demonstration to the agency of progress toward reopening. A request by a licensee for an inactive license or to extend the previously approved inactive period must be submitted in writing to the agency, accompanied by written justification for the inactive license, which states the beginning and ending dates of inactivity and includes a plan for the transfer of any clients to other providers and appropriate licensure fees. Upon agency approval, the licensee shall notify clients of any necessary discharge or transfer as required by authorizing statutes or applicable rules. The beginning of the inactive licensure period shall be the date the provider ceases operations. The end of the inactive period shall become the licensee expiration date, and all licensure fees must be current, paid in full, and may be prorated. Reactivation of an inactive license requires the prior approval by the agency of a renewal application, including payment of licensure fees and agency inspections indicating compliance with all requirements of this part and applicable rules and statutes.

(5)~~(3)~~ This section provides standards of enforcement applicable to all entities licensed or regulated by the Agency for Health Care Administration. This section controls over any conflicting provisions of chapters 39, 381, 383, 390, 391, 393, 394, 395, 400, 408, 468, 483, and 641 or rules adopted pursuant to those chapters.

Section 29. Emergency-preparedness prescription medication refills.--All health insurers, managed care organizations, and other entities that are licensed by the Office of Insurance Regulation and provide prescription medication coverage as part of a policy or contract shall waive time restrictions on prescription medication refills, which includes suspension of electronic "refill too soon" edits to pharmacies, to enable insureds or subscribers to refill prescriptions in advance, if there are authorized refills remaining, and shall authorize payment to pharmacies for at least a thirty day supply of any prescription medication, regardless of the date upon which the prescription had most recently been filled by a pharmacist, when the following conditions occur:

(1) The person seeking the prescription medication refill resides in a county that:

(a) Is under a hurricane warning issued by the National Weather Service;

(b) Is declared to be under a state of emergency in an executive order issued by the Governor; or

(c) Has activated its emergency operations center and its emergency management plan.

(2) The prescription medication refill is requested within 30 days after the origination date of the conditions stated in this section or until such conditions are terminated by the issuing authority or no longer exists. The time period for the waiver of prescription medication refills may be extended in 15- or 30-day increments by emergency orders issued by the Office of Insurance Regulation.

This section does not excuse or exempt an insured or subscriber from compliance with all other terms of the policy or contract providing prescription medication coverage. This section takes effect July 1, 2006.

Section 30. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete everything before the enacting clause

and insert:

A bill to be entitled

An act relating to emergency management; providing legislative findings with respect to the need for improvements in the state's infrastructure in response to the hurricane seasons of 2004 and 2005; providing for the Legislature to make funds available to local and state agencies through appropriations to the Department of Community Affairs; requiring the department to establish a statewide grant application process; providing criteria for an appropriation to fund the construction or renovation of county emergency operations centers and designated alternate state emergency operations centers; providing limitations on the use of such funds; requiring that the release of funds be approved by the Legislative Budget Commission; providing criteria for an appropriation to fund equipping public special-needs hurricane evacuation shelters with the permanent capacity to generate emergency power; providing criteria for an appropriation for retrofitting public hurricane evacuation shelters; requiring that the release of funds be approved by the Legislative Budget Commission; providing for funds to be appropriated to improve the logistical staging and warehouse capacity of commodities used following a disaster; providing for funds to be appropriated for the purpose of hurricane evacuation planning; providing appropriations; directing the Division of Emergency Management to conduct a feasibility study relating to the supply and distribution of essential commodities by nongovernment and private entities; creating s. 526.143, F.S.; providing that each motor fuel terminal facility and wholesaler that sells motor fuel in the state must be capable of operating its distribution loading racks using an alternate power source for a specified period by a certain date; providing requirements with respect to the operation of such equipment following a major disaster; providing requirements with respect to inspection of such equipment; requiring newly constructed or substantially renovated motor fuel retail outlets to be capable of operation using an alternate power source; defining "substantially renovated"; requiring certain motor fuel retail outlets located within a specified distance from an interstate highway or state or federally designated evacuation route to be capable of operation using an alternate power source by a specified date; providing inspection and recordkeeping requirements; providing applicability; creating s. 526.144, F.S.; creating the Florida Disaster Motor Fuel Supplier Program within the Department of Community Affairs; providing requirements for participation in the program; providing that participation in the program shall be at the option of each county; providing for administration of the program; providing requirements of businesses certified as State Emergency Response Team members; providing for preemption to the state of the regulation of and requirements for siting and placement of an alternate power source and any related equipment at motor fuel terminal facilities, wholesalers, and retail sales outlets; providing for preemption to the state of the regulation of certain retail establishments; providing for review of the program; providing a report; amending s. 501.160, F.S., providing limiting price gouge prohibition periods; providing prohibition period renewal; amending s. 553.509, F.S., relating to requirements with respect to vertical accessibility under part II of ch. 553, F.S., the "Florida Americans With Disabilities Accessibility Implementation Act"; requiring specified existing and newly constructed residential multifamily dwellings to have at least one public elevator that is capable of operating on an alternate power source for emergency purposes; providing requirements with respect to the alternate power source; providing for verification of compliance by specified dates; providing requirements with respect to emergency operations plans and inspection records; requiring any person, firm, or corporation that owns, manages or operates specified

multistory affordable residential dwellings to attempt to obtain grant funding to comply with the act; requiring an owner, manager or operator of such a dwelling to develop an evacuation plan in the absence of compliance with the act; providing additional inspection requirements under ch. 399, F.S., the "Elevator Safety Act"; amending s. 252.35, F.S.; expanding the duty of the Division of Emergency Management to conduct a public educational campaign on emergency preparedness issues; expanding the duty of the Division of Emergency Management to create and maintain lists of emergency generators; providing an additional duty of the division with respect to educational outreach concerning disaster preparedness; providing an appropriation to the Department of Community Affairs to conduct a feasibility study; providing severability; amending s. 252.355, F.S.; specifying additional entities and agencies that are required to provide registration information to persons with disabilities or special needs for purposes of inclusion within the registry of persons with special needs maintained by local emergency management agencies; providing that the Department of Community Affairs is the designated lead agency responsible for community education and outreach to the general public, including persons with special needs, regarding registration as a person with special needs, special needs shelters, and general information regarding shelter stays; providing that special needs shelters must allow persons with special needs to bring service animals into special needs shelters; revising provisions with respect to the required notification of residential utility customers of the availability of the special needs registration program; providing that specified confidential and exempt information relating to the roster of persons with special needs in special needs shelters be provided to local law enforcement; creating s. 252.3568, F.S.; requiring the Division of Emergency Management to address strategies for the evacuation of persons with pets in the shelter component of the state comprehensive emergency management plan; creating s. 252.357, F.S.; requiring the Florida Comprehensive Emergency Management Plan to permit the Agency for Health Care Administration to make initial contact with each nursing home and assisted living facility in a disaster area; requiring the agency to annually publish an emergency telephone number that may be used by nursing homes and assisted living facilities to contact the agency; amending s. 252.385, F.S., relating to public shelter space; requiring the Division of Emergency Management of the Department of Community Affairs to biennially prepare and submit a statewide emergency shelter plan to the Governor and the Cabinet for approval; providing plan requirements; requiring the Department of Health to provide specified assistance to the division; revising the list of those facilities that are excluded as being suitable for use as public hurricane evacuation shelters; requiring local emergency management agencies to coordinate with public facilities to determine readiness prior to activation; amending s. 381.0303, F.S.; providing for the operation of special needs shelters; providing that local Children's Medical Services offices shall assume lead responsibility for specified coordination with respect to the development of a plan for the staffing and medical management of pediatric special needs shelters; requiring that such plans conform to the local comprehensive emergency management plan; requiring county governments to assist the Department of Health with nonmedical staffing and operation of special needs shelters; requiring county health departments and emergency management agencies to coordinate such efforts to ensure appropriate staffing; providing that the appropriate county health department, Children's Medical Services office, and local emergency management agency shall jointly determine the responsibility for medical supervision in a special needs shelter; providing notification requirements; requiring the emergency management agency and the local health department to coordinate efforts to ensure appropriate designation, operation, and closure of special needs shelters; requiring the Secretary of Elderly Affairs to convene multiagency special needs shelter discharge planning teams to assist local areas that are severely impacted by a natural or manmade disaster that requires the use of special needs shelters; providing duties and responsibilities of such discharge planning teams; providing for the inclusion of specified state agency representatives on each discharge planning team; revising provisions relating to reimbursement of health care practitioners; providing for eligibility of specified health care facilities for reimbursement when a multiagency special needs shelter discharge planning team discharges persons with special needs to such receiving facilities; providing procedures and requirements with respect to such reimbursement; requiring the department to specify by rule expenses that are reimbursable and the rate of reimbursement for services; revising provisions that prescribe means of and procedures for reimbursement; disallowing specified reimbursements; revising provisions with respect to the organization, role, duties, and composition of the special needs shelter interagency committee; requiring the department to adopt specified rules with respect to special needs shelters; amending ss. 400.492, 400.497, 400.506, 400.610, and 400.934, F.S.; revising requirements with respect to the comprehensive emergency management plans of home health agencies, nurse registries, and hospices, and providing requirements with respect to home medical equipment providers, to include the means by which continuing services will be provided to patients who evacuate to special needs shelters; authorizing the establishment of links to local emergency operations centers for specified purposes; revising requirements of a county health department with respect to review of a comprehensive emergency management plan submitted by a home health agency, nurse registry, or hospice; providing requirements upon failure to submit a plan or requested information to the department; providing for imposition of a fine; revising requirements of the Department of Health with respect to review of the plan of a home health agency or hospice that operates in more than one county; providing that the preparation and maintenance of a comprehensive emergency management plan by a home medical equipment provider is a requirement for licensure and must meet minimum criteria established by the Agency for Health Care Administration; providing plan requirements; providing that the plan is subject to review and approval by the county health department; requiring each home medical equipment provider to maintain a current prioritized list of patients who need continued services during an emergency; amending s. 400.925, F.S.; defining "life-supporting or life-sustaining equipment" for purposes of part X of ch. 400, F.S., relating to home medical equipment providers; amending s. 400.935, F.S.; requiring the Agency for Health Care Administration to adopt rules with respect to the comprehensive emergency management plan prepared by a home medical equipment services provider; amending s. 408.831, F.S.; providing that entities regulated or licensed by the Agency for Health Care Administration may exceed their licensed capacity to act as receiving facilities under specified circumstances; providing requirements while such entities are in an overcapacity status; providing for issuance of an inactive license to such licensees under specified conditions; providing requirements and procedures with respect to the issuance and reactivation of an inactive license; providing fees; requiring certain health insurance companies to waive restrictions on filling prescriptions during a declared State of Emergency; providing effective dates.

On motion by Rep. Adams, the House concurred in Senate Amendment 1.

The question recurred on the passage of HB 7121. The vote was:

Session Vote Sequence: 1198

Speaker Bense in the Chair.

Yeas—115

Adams	Bowen	Domino	Greenstein
Allen	Brown	Evers	Grimsley
Altman	Brummer	Farkas	Harrell
Ambler	Brutus	Fields	Hasner
Anderson	Bucher	Flores	Hays
Antone	Bullard	Galvano	Henriquez
Arza	Cannon	Gannon	Holloway
Attkisson	Carroll	Garcia	Homan
Ausley	Clarke	Gardiner	Hukill
Barreiro	Coley	Gelber	Jennings
Baxley	Cretul	Gibson, A.	Johnson
Bendross-Mindingall	Culp	Gibson, H.	Jordan
Bense	Cusack	Glorioso	Joyner
Benson	Davis, D.	Goldstein	Kottkamp
Berfield	Davis, M.	Goodlette	Kravitz
Bilirakis	Dean	Gottlieb	Kreegel
Bogdanoff	Detert	Grant	Kyle

Legg	Negron	Rivera	Smith
Littlefield	Patterson	Robaina	Sobel
Llorente	Peterman	Roberson	Sorensen
Lopez-Cantera	Pickens	Ross	Stansel
Machek	Planas	Rubio	Stargel
Mahon	Poppell	Russell	Traviesa
Mayfield	Porth	Ryan	Troutman
McInvale	Proctor	Sands	Vana
Meadows	Quinones	Sansom	Waters
Mealor	Reagan	Seiler	Williams
Murzin	Rice	Simmons	Zapata
Needelman	Richardson	Slosberg	

Nays—None

Votes after roll call:
Yeas—Bean

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7131, with amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 7131—A bill to be entitled An act relating to the redevelopment of brownfields; amending ss. 199.1055, 220.1845, 376.30781, 376.80, and 376.86, F.S.; increasing the amount and percentage of the credit that may be applied against the intangible personal property tax and the corporate income tax for the cost of voluntary cleanup of a contaminated site; increasing the amount that may be received by the taxpayer as an incentive to complete the cleanup in the final year; increasing the total amount of credits that may be granted in any year; providing tax credits for voluntary cleanup activities related to solid waste disposal facilities; providing criteria for eligible sites and activities; increasing the amount of the Brownfield Areas Loan Guarantee; reducing the job creation requirements; directing the Department of Environmental Protection to apply certain criteria, requirements, and limitations for implementation of such provisions; providing certain exceptions; amending s. 288.9015, F.S.; requiring Enterprise Florida, Inc., to aggressively market brownfields; amending ss. 196.012 and 196.1995, F.S., to include brownfield areas in the implementation of the economic development ad valorem tax exemption authorized under s. 3, Art VII of the Florida Constitution; repealing s. 376.87, F.S., relating to the Brownfield Property Ownership Clearance Assistance; repealing s. 376.875, F.S., relating to the Brownfield Property Ownership Clearance Assistance Revolving Loan Trust Fund; amending s. 14.2015, F.S.; deleting a reference to the trust fund to conform; providing an effective date.

(Amendment Bar Code: 821614)

Senate Amendment 1—Line 84, delete "$5 ~~$2~~"

and insert: $2

(Amendment Bar Code: 624718)

Senate Amendment 2—Line 244, delete "$5 ~~$2~~"

and insert: $2

(Amendment Bar Code: 350888)

Senate Amendment 3—Line 365, delete "subsection (5)"

and insert: paragraph (5)(a)

(Amendment Bar Code: 701336)

Senate Amendment 4—Line 450, delete "$5 ~~$2~~

and insert: $2

(Amendment Bar Code: 833474)

Senate Amendment 5—Line 546, delete "March 1"

and insert: March 31 ~~March 1~~

(Amendment Bar Code: 831316)

Senate Amendment 6—Line 556, delete "$5 ~~$2~~

and insert: $2

(Amendment Bar Code: 090880)

Senate Amendment 7 (with title amendment)—Between lines 1173 and 1174,

insert:
Section 11. An amendment to any provision of chapter 199, Florida Statutes, contained in this act does not supersede a repeal of that provision contained in House Bill 209.

(Redesignate subsequent sections.)

======== T I T L E A M E N D M E N T ========
And the title is amended as follows:
On line 30, after the semicolon,

insert:
providing that the repeal of certain provisions relating to the tax on intangible personal property prevails over any amendment to such provisions contained in this act;

(Amendment Bar Code: 612546)

Senate Amendment 8—Line 1032, delete "$2"

and insert: $1 ~~$2~~

On motion by Rep. Peterman, the House concurred in Senate Amendments 1, 2, 3, 4, 5, 6, 7, and 8.

The question recurred on the passage of HB 7131. The vote was:

Session Vote Sequence: 1199

Speaker Bense in the Chair.

Yeas—115

Adams	Bowen	Evers	Hasner
Allen	Brown	Farkas	Hays
Altman	Brummer	Fields	Henriquez
Ambler	Brutus	Flores	Holloway
Anderson	Bucher	Galvano	Homan
Antone	Bullard	Gannon	Hukill
Arza	Cannon	Garcia	Jennings
Attkisson	Carroll	Gardiner	Johnson
Ausley	Clarke	Gelber	Jordan
Barreiro	Coley	Gibson, H.	Joyner
Baxley	Cretul	Glorioso	Kottkamp
Bean	Culp	Goldstein	Kravitz
Bendross-Mindingall	Cusack	Goodlette	Kreegel
Bense	Davis, D.	Gottlieb	Kyle
Benson	Davis, M.	Grant	Legg
Berfield	Dean	Greenstein	Littlefield
Bilirakis	Detert	Grimsley	Llorente
Bogdanoff	Domino	Harrell	Lopez-Cantera

Machek	Pickens	Roberson	Sobel
Mahon	Planas	Ross	Sorensen
Mayfield	Poppell	Rubio	Stansel
McInvale	Porth	Russell	Stargel
Meadows	Proctor	Ryan	Traviesa
Mealor	Quinones	Sands	Troutman
Murzin	Reagan	Sansom	Vana
Needelman	Rice	Seiler	Waters
Negron	Richardson	Simmons	Williams
Patterson	Rivera	Slosberg	Zapata
Peterman	Robaina	Smith	

Nays—None

Votes after roll call:
Yeas—Gibson, A.

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

On motion by Rep. Joyner, the board was opened [Session Vote Sequence: 1200] and the following members were recorded as cosponsors of **HR 9107** (previously shown in the *Journal* on page 850-851, April 27), along with Rep. Joyner: Reps. Adams, Allen, Altman, Ambler, Anderson, Antone, Arza, Attkisson, Ausley, Barreiro, Baxley, Bean, Bendross-Mindingall, Bense, Benson, Berfield, Bilirakis, Bogdanoff, Bowen, Brown, Brummer, Brutus, Bucher, Bullard, Cannon, Carroll, Clarke, Coley, Cretul, Culp, Cusack, D. Davis, M. Davis, Dean, Detert, Domino, Evers, Farkas, Fields, Flores, Galvano, Gannon, Garcia, Gardiner, Gelber, A. Gibson, H. Gibson, Glorioso, Goldstein, Goodlette, Gottlieb, Grant, Greenstein, Grimsley, Harrell, Hasner, Hays, Henriquez, Holloway, Homan, Hukill, Jennings, Johnson, Jordan, Kottkamp, Kravitz, Kreegel, Kyle, Legg, Littlefield, Llorente, Lopez-Cantera, Machek, Mahon, Mayfield, McInvale, Meadows, Mealor, Murzin, Needelman, Negron, Patterson, Peterman, Pickens, Planas, Poppell, Porth, Proctor, Quinones, Reagan, Rice, Richardson, Rivera, Robaina, Roberson, Ross, Rubio, Russell, Ryan, Sands, Sansom, Seiler, Simmons, Slosberg, Smith, Sobel, Sorensen, Stansel, Stargel, Traviesa, Troutman, Vana, Waters, Williams, and Zapata.

Remarks

The Speaker recognized Rep. Johnson, who gave brief farewell remarks.

Motion to Adjourn

Rep. Sansom moved that the House adjourn for the purpose of receiving reports, holding council and committee meetings, and conducting other House business, to reconvene at 9:00 a.m., Friday, May 5, or upon call of the Chair. The motion was agreed to.

Messages from the Senate

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 61.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 69.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 75.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 151.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 241.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 265.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 285.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 391.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 421.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 471.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 687 by the required Constitutional two-thirds vote of all members present.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 841.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1009.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1077.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1115.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1117 by the required Constitutional two-thirds vote of all members present.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1249.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1325.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1443.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1451 by the required Constitutional two-thirds vote of the members of the Senate.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1563.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 5043.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7027.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7059.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7061.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7063.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7103.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7115.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7163.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7177.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7183.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

First Reading by Publication

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 910 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senators Dawson, Hill, Campbell, Rich, Siplin and Miller—

SB 910—A bill to be entitled An act relating to the offense of leaving a child unattended or unsupervised in a motor vehicle; amending s. 316.6135, F.S.; providing that such offense constitutes a second-degree misdemeanor rather than a noncriminal traffic infraction; providing that such offense is a third-degree felony if the child suffers great bodily harm, disability, or disfigurement; providing penalties; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Criminal Justice Committee and Justice Council.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 1196, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Government Efficiency Appropriations, Community Affairs and Senator Constantine—

CS for CS for SB 1196—A bill to be entitled An act relating to impact fees; creating s. 163.31801, F.S.; creating the "Florida Impact Fee Act"; providing legislative intent; requiring that an impact fee meet certain specified requirements concerning calculation of the fee, accounting for revenues and expenditures, provision of notice, and collection of administrative costs; requiring inclusion of an affidavit certifying compliance with the act in certain audits of financial statements of a local government entity or a school board provided to the Auditor General; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the State Infrastructure Council.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for CS for SB 2112, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Health and Human Services Appropriations, Criminal Justice, Banking and Insurance and Senator Garcia—

CS for CS for CS for SB 2112—A bill to be entitled An act relating to health care clinics; amending s. 400.990, F.S.; providing additional legislative findings; amending s. 400.9905, F.S.; redefining the term "clinic" for purposes of the Health Care Clinic Act to include certain additional providers; excluding certain facilities owned by publicly traded corporations; defining the term "specialty clinic"; including certain facilities owned by publicly traded corporations excluded by the definition of the term "clinic"; defining the terms "infusion therapy" and "fraud"; amending s. 400.991, F.S.; requiring specialty clinics to be subject to licensure requirements; requiring additional persons to be subject to background screening; revising certain requirements for applying for licensure as a health care clinic; creating additional requirements for applying for licensure as a specialty clinic; providing additional grounds under which an applicant may be denied licensure due to a finding of guilt for committing a felony; providing grounds for the denial of specialty clinic licensure; amending s. 400.9915, F.S.; including specialty clinics within clinic inspection requirements; amending s. 400.992, F.S.; including specialty clinics within requirements for license renewal, transfer of ownership, and provisional licensure; amending s. 400.9925, F.S.; providing the agency with rulemaking authority regarding specialty clinics; stating that the licensure fee for a specialty clinic is nonrefundable and may not exceed $2,000; amending s. 400.993, F.S.; including specialty clinics within provisions regarding unlicensed clinics; providing penalties for unlicensed operation of a specialty clinic; including specialty clinics within provisions regarding verification of licensure; amending s. 400.9935, F.S.; including specialty clinics within provisions regarding clinic responsibilities; revising the responsibilities of the medical director and the clinical director; requiring all persons providing health care services to individuals in a clinic to comply with the licensure laws and rules under which that person is licensed; providing for a certificate of exemption from licensure as a clinic to expire within a specified period; providing for renewal of the certificate of exemption; revising the application procedures for a certificate of exemption; providing grounds for the denial, withdrawal, or emergency suspension of a certificate of exemption by the Agency for Health Care Administration; providing that it is a third-degree felony for an

applicant to submit fraudulent or material and misleading information to the agency; requiring a specialty clinic to file an audited report with the agency no less frequently than annually; requiring a specialty clinic to maintain compliance with part XIII of ch. 400, F.S.; requiring health care clinics and specialty clinics to display signs containing certain information relating to insurance fraud; authorizing compliance inspections by the Division of Insurance Fraud; requiring clinics to allow inspection access; amending s. 400.994, F.S.; granting the agency authority to institute injunctive proceedings against a specialty clinic; amending s. 400.995, F.S.; granting the agency authority to impose administrative penalties against a specialty clinic; creating s. 400.996, F.S.; creating a process whereby the agency receives, documents, and processes complaints about specialty clinics; requiring the agency to request that complaints regarding billing fraud by a specialty clinic be made by sworn affidavit; requiring the agency to refer to the Department of Financial Services, Office of Fiscal Integrity, any sworn affidavit asserting billing fraud by a specialty clinic; requiring the department to report findings regarding billing fraud by a specialty clinic to the agency; requiring the department to refer an investigation to prosecutorial authorities and provide investigative assistance under certain circumstances; providing that it is a first-degree misdemeanor to submit an affidavit asserting billing fraud by a specialty clinic which is without any factual basis; allowing the department to conduct unannounced reviews, investigations, analyses, and audits to investigate complaints of billing fraud by a specialty clinic; authorizing the department to enter upon the premises of a specialty clinic and immediately secure copies of certain documents; requiring a specialty clinic to allow full and immediate access to the premises and records of the clinic to a department officer or employee under s. 400.996, F.S.; providing that failure to provide such access is a ground for emergency suspension of the license of the specialty clinic; permitting the agency to assess a fee against a specialty clinic equal to the cost of conducting a review, investigation, analysis, or audit performed by the agency or the department; providing that all investigators designated by the Chief Financial Officer to perform duties under part XIII of ch. 400, F.S., and certified under s. 943.1395, F.S., are law enforcement officers of the state; amending s. 456.072, F.S.; providing that intentionally placing false information in an application for a certificate of exemption from clinic licensure constitutes grounds for which disciplinary action may be taken; designating the Florida Center for Nursing as the "Florida Barbara B. Lumpkin Center for Nursing"; directing the Department of Health to erect suitable markers; providing an appropriation; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Health Care Regulation Committee; Insurance Committee; and Health & Families Council.

Votes After Roll Call

[Date(s) of Vote(s) and Sequence Number(s)]

Rep. Johnson:

Yeas—May 1: 1052; May 3: 1081, 1086, 1087

Rep. Mayfield:

Nays to Yeas—May 3: 1132

Rep. Roberson:

Yeas to Nays—May 2: 1066

Rep. Ryan:

Yeas—May 3: 1154

Cosponsors

HB 385—Waters

HB 403—Legg

HB 469—Rivera

HB 615—Llorente, Planas

HB 795—Planas

HB 947—A. Gibson

HB 971—Meadows

HB 1065—Harrell, Hukill, Waters

HB 1145—Carroll

HB 1473—Altman, Hays, Murzin

HB 1567—Quinones

HB 7087—Baxley, Hasner, Traviesa

Cosponsors of Combined Bills

HCB 6001 (for HBs 117, 477)—Jennings

House Resolutions Adopted by Publication

At the request of Rep. Gannon—

HR 9131—A resolution designating May 1-7, 2006, as "Brain Tumor Action Week 2006" in Florida.

WHEREAS, each year more than 190,000 people in the United States are diagnosed with a primary or metastatic brain tumor, which may be malignant or may be benign, but either may be life threatening, and

WHEREAS, brain tumors are the leading cause of solid tumor cancer death in children under the age of 20 and are the third leading cause of cancer death in young adults between the ages of 20 and 39, and

WHEREAS, because brain tumors are located at the control center for thought, emotion, and movement, their effects can be devastating, and access to quality specialty care, rehabilitative services, clinical trials, and followup care is necessary to a meaningful quality of life for adults and children with these tumors, and

WHEREAS, there are over 120 different types of brain tumors, making effective treatment very complicated, and continuing research is needed in the search for the causes of this devastating malady and to determine better methods of treatment for those who are suffering from its effects, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives designates May 1-7, 2006, as "Brain Tumor Action Week 2006" in Florida.

—was read and adopted by publication pursuant to Rule 10.16.

At the request of Rep. Baxley—

HR 9135—A resolution honoring the memory of the late Henry J. Prominski.

WHEREAS, Henry J. Prominski, 76, an attorney and former state legislator who served from 1966 to 1970, died Saturday, April 1, 2006, and

WHEREAS, born September 4, 1929, in New Brunswick, New Jersey, Mr. Prominski moved to Florida in 1952, relocated from Fort Lauderdale to Weirsdale in 1980, and settled in Gainesville in 2004, where he resided at

Oak Hammock at the University of Florida, "an innovative life fulfilling community for the 21st century," the board of directors of which he served as a founding member, and

WHEREAS, in 1950, Mr. Prominski received a bachelor of arts degree from the University of Pennsylvania, earned a bachelor of laws degree from the University of Miami in 1959 and a master of laws from McGill University in Canada in 1961, and was a member of Delta Theta Phi, Law Review, and the Order of the Wig and Robe, and

WHEREAS, Mr. Prominski was a Lieutenant Commander who served his country as a pilot in the United States Navy and the United States Naval Reserve, and

WHEREAS, a member of the Weirsdale Presbyterian Church, Mr. Prominski also held memberships in the Navy League of the United States, The Florida Bar, the Lake Weir Yacht Club, and the Lake Weir Kiwanis Club, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives pauses in its deliberations to honor the memory of the late Henry J. Prominski and to acknowledge his contributions to the State of Florida and to the nation.

—was read and adopted by publication pursuant to Rule 10.16.

At the request of Rep. Glorioso—

HR 9137—A resolution recognizing March 2006 as "Colon Cancer Awareness Month" in Florida.

WHEREAS, colon cancer, one of the most prevalent but most preventable of cancers, is the second most common cause of cancer death among adult men and women in Florida, and

WHEREAS, the American Cancer Society estimates that during the year 2006, 9,970 new cases of colon cancer will be diagnosed among Floridians and, that during this same time period, approximately 3,700 will die of the disease, and

WHEREAS, it is possible to have colon cancer without having any symptoms of the disease, and

WHEREAS, it is possible for Floridians to significantly lower the number of incidents of colon cancer and deaths from this disease by adhering to the American Cancer Society colon cancer screening guidelines, which include regular testing beginning at the age of 50, and

WHEREAS, although the risk for colon cancer is highest among older adults, with more than 90 percent of all such cancers being diagnosed in adults 50 years of age or older, approximately 44 percent of Floridians in this age group report never having undergone a sigmoidoscopy or a colonoscopy, two of the screening techniques recommended by the American Cancer Society, and

WHEREAS, regular screenings may lower death rates by detecting the disease at its earliest and most treatable stages and may prevent the development of some cancers through the detection and subsequent removal of polyps, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives recognizes the month of March 2006 as "Colon Cancer Awareness Month" in Florida and urges all men and women to avail themselves of a better understanding of the risks associated with colon cancer, to take preventive steps to minimize those risks, and to undergo early detection procedures as recommended by the American Cancer Society colon cancer screening guidelines.

—was read and adopted by publication pursuant to Rule 10.16.

At the request of Rep. Meadows—

HR 9139—A resolution designating October 2006 as "Breast Cancer Awareness Month" in Florida.

WHEREAS, breast cancer is the most common cancer diagnosed in women in the nation, and

WHEREAS, Florida ranks third in the nation for total number of new breast cancer cases and deaths from breast cancer, and

WHEREAS, all women are at risk for breast cancer, the single most important risk factor of which is age since breast cancers predominantly occur in women age 50 and older, and the risk increases with age until age 80, and

WHEREAS, the American Cancer Society estimates that more than 13,360 new cases of invasive breast cancer will be diagnosed in Florida and approximately 2,570 women will die of the disease during the year 2006, and

WHEREAS, a woman living in the United States has a one-in-eight chance of developing breast cancer, and

WHEREAS, breast cancer is the second most common cause of cancer death in white women and among African-American women, and

WHEREAS, early detection, through routine clinical exams and mammography screening beginning at age 40 in compliance with the American Cancer Society recommended guidelines, is the key to detecting breast cancer at the earliest stages, and

WHEREAS, the 5-year survival rate for breast cancer, if the disease is found in its earliest stages, is 98 percent but drops to 26 percent if the cancer is detected late, in a stage of metastases, and

WHEREAS, in conjunction with the promotion of October as "Breast Cancer Awareness Month," breast cancer awareness programs, such as the American Cancer Society's "Reach to Recovery" program, will promote early breast cancer detection through regular screening, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives designates October 2006 as "Breast Cancer Awareness Month" in Florida and urges all women to understand the risks associated with breast cancer, to take preventive steps to minimize those risks, and to undergo early detection procedures such as mammography and compliance with the American Cancer Society recommended breast cancer screening guidelines.

—was read and adopted by publication pursuant to Rule 10.16.

At the request of Rep. Robaina—

HR 9143—A resolution recognizing Gulf Stream Chapter 3201 of the Association of the United States Army for supporting activated Army National Guard and United States Army Reserve personnel and assisting their families.

WHEREAS, the United States of America is involved in armed conflicts in Iraq and Afghanistan in its war against terrorism, and

WHEREAS, the global war on terrorism has necessitated the largest activation of Army National Guard and United States Army Reserve troops in history, and

WHEREAS, Florida has been heavily tasked to provide a great number of United States Army Reserve and Army National Guard troops during the initial invasion and subsequent ongoing combat operation, and

WHEREAS, many of these activated troops have left behind families accustomed to larger incomes who must now reduce their standard of living because of lower military pay scales, and

WHEREAS, a significant number of these activated servicemen and servicewomen come from high-paying middle and senior management civilian positions, and

WHEREAS, many times employers of these activated troops do not supplement the income of these individuals, creating additional hardships for their families, and

WHEREAS, Gulf Stream Chapter 3201 of the Association of the United States Army has been diligent in providing support for these troops and their families under these difficult circumstances, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives recognizes and honors the work of the officers and members of Gulf Stream Chapter 3201 of the Association of the United States Army in supporting these activated Army National Guard and United States Army Reserve personnel and in assisting the families of these Florida patriots.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Gulf Stream Chapter 3201 of the Association of the United States Army as a tangible token of the sentiments expressed herein.

—was read and adopted by publication pursuant to Rule 10.16.

At the request of Rep. Jennings—

HR 9145—A resolution recognizing the month of September 2006 as "Prostate Cancer Awareness Month" in Florida.

WHEREAS, prostate cancer is the most common type of cancer diagnosed among men in Florida, and the state ranks second highest in the United States in the number of such cases and resultant deaths, and

WHEREAS, the American Cancer Society estimates that during the year 2006 more than 18,090 new cases of prostate cancer will be diagnosed in Florida and more than 2,110 men will die from the disease, and

WHEREAS, African-American and black men have the highest incidence of prostate cancer death in the nation, a mortality rate that is twice that of Caucasian men, and

WHEREAS, the five-year survival rate for prostate cancer patients is nearly 100 percent if the disease is diagnosed at the local and regional stages, otherwise known as the early stages, and the American Cancer Society recommends annual testing beginning at age 45 for high-risk men, such as African Americans and men with a family history of the disease, with recommended annual screening for men at less risk to start at age 50, and

WHEREAS, each year, the American Cancer Society supports African-American Men's Health Summits in at least 16 major metropolitan areas across the state in an attempt to increase prostate cancer awareness, education, and support and to encourage prostate screening among African-American men in Florida, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives recognizes the month of September 2006 as "Prostate Cancer Awareness Month" in Florida and urges all men to avail themselves of a better understanding of the risks associated with prostate cancer, to take preventive measures to minimize those risks, and to talk with their doctors about annual prostate cancer screening as recommended by the American Cancer Society prostate cancer screening guidelines.

—was read and adopted by publication pursuant to Rule 10.16.

Communications

The Governor advised that he had filed in the Office of the Secretary of State the following bill which he approved:

May 4, 2006—HB 599

Excused

Reps. Justice, Kendrick, Taylor; Rep. Vana until 12:07 p.m.

The following Conference Committee Managers were excused from time to time:

HB 5001 and related legislation (HB 5003, HB 5005, HB 5007, HB 5009, HB 5011, HB 5013, HB 5017, HB 5019, HB 5021, HB 5023, CS for SB 390, CS for SB 394, CS for SB 398, CS for SB 818, CS for SB 840, CS for SB 844, CS for SB 846, CS for SB 848): At Large—Rep. Negron (Chair), Rep. Mahon (Vice Chair), and Reps. Gardiner, Waters, Goodlette, Rubio, Bowen, Brummer, Simmons, Greenstein, Jennings, Seiler, Ryan, Sansom, and Zapata; Agriculture & Environment—Rep. Mayfield (Chair), and Reps. Brown, Littlefield, Hays, Poppell, Machek, Stansel, Kendrick (Alternate), Williams, Evers, and Allen; Education—Rep. Pickens (Chair), and Reps. Rivera, Attkisson, Baxley, Flores, Altman, Arza, Stargel, Vana, Bendross-Mindingall, Richardson, Justice (Alternate), Patterson, Coley, and Mealor; Health Care—Rep. Bean (Chair), and Reps. Benson, Cannon, Farkas, Galvano, Garcia, Murzin, Gannon, Sobel, Grimsley (Alternate), Roberson (Alternate), Grant, and Hukill; Criminal Justice—Rep. Barreiro (Chair), and Reps. Adams, Ambler, Needelman, Joyner, and Porth; Judiciary—Rep. Kottkamp (Chair), and Reps. Ross (Alternate), Planas, Gelber, and Quinones; State Administration—Rep. Berfield (Chair), and Reps. Carroll, Kreegel, Reagan, Lopez-Cantera (Alternate), A. Gibson (Alternate), Taylor, and Holloway; Transportation & Economic Development—Rep. D. Davis (Chair), and Reps. M. Davis, Kravitz, Llorente, Traviesa, Ausley, Cusack, McInvale (Alternate), and Bogdanoff.

Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 5:57 p.m., to reconvene at 9:00 a.m., Friday, May 5, or upon call of the Chair.